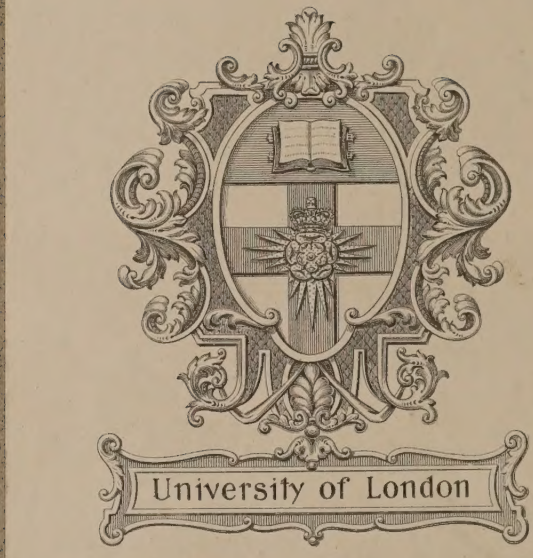
University of London

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B I L L S,

PUBLIC:

FIVE VOLUMES.

—(5.)—

QUEEN ANNE'S BOUNTY (SUPERANNUATION ALLOWANCES);
TO
ZANZIBAR (JURISDICTION OF CONSUL).

Session

10 *December* 1868 — 11 *August* 1869.

VOL. V.

1868-9.

BILLS:

1868-9.

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B I L L

INTITULED

An Act to enable the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy to grant Superannuation Allowances to Officers and Clerks employed in their service. A.D. 1869.

WHEREAS it has been the practice of the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy to grant retired allowances to aged and to incapacitated officers and clerks, and to make a statement of such allowances in the accounts from time to time presented to Her Majesty in Council, and laid before Parliament:

And whereas the said governors have in their employ two officers who entered their service prior to one thousand eight hundred and twenty-nine, and whose united salaries amount to the sum of one thousand nine hundred pounds:

And whereas it is expedient that due regulations should be made for granting in future superannuation allowances to their officers and clerks, upon the principle adopted in the various departments of the public service:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to governors out of their general fund to grant retired allowances. (*See* Act 4 & 5 W. 4. c. 24. sec. 9.)

1. Subject to the exceptions and provisions herein-after contained it shall be lawful for the said governors to pay out of their general fund allowances on retirement from the office to officers and clerks who shall have served in an established capacity in the permanent service of the governors, not exceeding the following; viz.

To any officer or clerk who may have entered the governors service prior to the fifth day of August one thousand eight hundred and twenty-nine, and who shall have served forty years and upwards and under forty-five years, any annual allowance not

A.D. 1869.

exceeding in amount ten twelfths of the annual salary and emoluments of his office:

For forty-five years and upwards and under fifty years not exceeding eleven twelfths of such salary and emoluments:

And for fifty years or upwards any annual allowance not exceeding the net amount of the salary and emoluments of his office:

(*See* Act 22 Vict. c. 26. sec. 2.)

To any officer or clerk who may have entered the governors service subsequent to the fourth day of August one thousand eight hundred and twenty-nine, and who shall have served ten years and upwards and under eleven years, an annual allowance of ten sixtieths of the annual salary and emoluments of his office:

For eleven years and under twelve years an annual allowance of eleven sixtieths of such salary and emoluments, and in like manner a further addition to the annual allowance of one sixtieth in respect of each additional year of such service until the completion of a period of service of forty years, when the annual allowance of forty sixtieths may be granted, and no addition shall be made in respect of any service beyond forty years to those who may have entered thereupon since the said fourth day of August one thousand eight hundred and twenty-nine.

Power to grant gratuities in certain cases where officers or clerks not entitled by length of service to superannuation.

2. It shall be lawful for the said governors to grant to any officer or clerk in their service who, being the holder of an office in respect of which a superannuation allowance may be granted, but not having completed the period which would have entitled him to a superannuation allowance, is constrained from infirmity of mind or body to leave the service of the governors before the completion of the period which would entitle him to a superrannuation allowance, such sum of money by way of gratuity as the said governors shall think proper, but so that no gratuity shall exceed the amount of one month's pay for each year's service.

No superannuation to be granted unless approved by Treasury.

3. No superanuation allowance or gratuity under this Act shall be granted to any officer or clerk until the application, with the certificate and the award of the said governors, shall have been submitted to and approved of by the Lords Commissioners of Her Majesty's Treasury: Provided also, that if any question shall arise as to the claim of any officer or clerk for superannuation under this Act it shall be referred to the Commissioners of the Treasury, whose decision shall be final.

A.D. 1869.

Restrictions as to grant of full superannuation allowance.

4. It shall not be lawful for the said governors to grant the full amount of superannuation allowance which can be granted under this Act to any officer or clerk, other than the secretary and treasurer, unless upon production of a certificate signed by the secretary and treasurer that such officer or clerk has served with diligence and fidelity to the satisfaction of the said governors; provided that the said governors may grant to any officer or clerk any such allowance of less amount than otherwise would have been awarded to him where his defaults or demerit may appear to them to justify such diminution.

Under special circumstances, an increase may be made to regular superannuation allowance.

5. In computing the amount of superannuation allowance to be granted to any officer or clerk under the provisions of this Act, it shall be lawful for the said governors, under special circumstances, to be stated to and approved of by the Lords Commissioners of Her Majesty's Treasury, to direct that any number of years not exceeding ten years in the whole be added to the number of years during which such officer or clerk may have actually served.

Superannuation not to be granted to officers or clerks under 60, except upon medical certificate.

6. It shall not be lawful to grant any superannuation allowance under the provisions of this Act to any officer or clerk who shall be under sixty years of age, unless upon medical certificate to the satisfaction of the said governors that he is incapable from infirmity of mind or body to discharge the duties of his situation, and that such infirmity is likely to be permanent.

Where superannuation granted to any officer or clerk under 60 he shall be liable to be recalled to service.

7. Every officer or clerk to whom a superannuation allowance shall have been granted before he shall have attained the age of sixty years shall until he shall have attained that age be liable to be recalled into the service of the said governors, and if he shall decline when called upon to take upon him any office or situation, being equal in emolument to that which he formerly held, or shall neglect to perform the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the allowance which had been granted to him.

Superannuation not to be granted on advanced amount of salary received for less than three years. (*See* Act 4 & 5 W. 4. c. 24. s. 12.)

8. Provided always, and be it enacted, that the superannuation allowance to be granted to any officer or clerk after the passing of this Act shall not be computed upon the amount of the salary enjoyed by him at the time of his retirement, unless he shall have been in the receipt of the same, or in the class from which he retires, for a period of at least three years immediately before the granting of such superannuation allowance; and in case he shall not have enjoyed his then existing salary or have been in such class for that period, such superannuation allowance shall be calculated upon

A.D. 1869.

the average amount of salary received by such officer or clerk for three years next preceding the commencement of such allowance.

Superannuations to be inserted in annual return.

9. Return of all superannuation allowances and gratuities made during the year under this Act, setting forth in each case the length of service, the salary, and the allowance or gratuity awarded, together with the special circumstances, if any, on which such allowances have been awarded, shall be inserted by the governors each year in their annual return to Her Majesty in Council, and to both Houses of Parliament.

Queen Anne's Bounty (Superannuation Allowances). [H.L.]

A

B I L L

INTITULED

An Act to enable the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy to grant Superannuation Allowances to Officers and Clerks employed in their service.

(*Brought from the Lords 26 July* 1869.)

Ordered, by The House of Commons, *to be Printed,* 26 *July* 1869.

[Bill 243.]

Under 1 *oz.*

[To be substituted for the Bill [62.] already delivered.]

[32 Vict.] *Railway Companies Meetings.*

A

BILL

TO

Repeal so much of The Regulation of Railways Act, 1868, as relates to the approval by meetings of incorporated railway companies of bills and certificates for conferring further powers on those companies.

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Section thirty-five of The Regulation of Railways Act, 1868, (which relates to meetings of incorporated railway companies and the approval by such meetings of bills and certificates for conferring additional powers on those companies,) is hereby repealed so far as relates to any Bill introduced into either House of Parliament or application for a certificate made after the *first of February one thousand eight hundred and sixty-nine.*

Repeal of 31 & 32 Vict. c. 119. s. 35.

2. This Act may be cited as The Railway Companies Meetings Act, 1869.

Short title.

[To be substituted for the Bill [62.] already delivered.]

Railway Companies Meetings.

A

B I L L

To repeal so much of The Regulation of Railways Act, 1868, as relates to the approval by meetings of incorporated railway companies of bills and certificates for conferring further powers on those companies.

(*Prepared and brought in by Mr. Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be Printed*, 1 *April* 1869.

[Bill 62.]—

Under 1 *oz.*

A

B I L L

FOR

The Amendment of "The Railway Construction Facilities Act (1864)."

A.D. 1869.

WHEREAS by the Act of the twenty-seventh and twenty-eighth Victoria, chapter one hundred and twenty-one, intituled "An Act to facilitate in certain cases the obtaining of "powers for the construction of railways," (herein called the recited Act,) it was enacted (by section nine thereof), "If in any "case any railway or canal company desire to be heard by counsel, "agents, and witnesses against the proposed undertaking, and "(within such time as is prescribed by general rules under this "Act) lodge at the office of the Board of Trade a notice in writing "to that effect (herein-after referred to as a notice of opposition) "in the form set forth in the schedule to this Act (with such "variations as circumstances require), in that case the Board "of Trade, if the railway or canal company lodging the notice "would be affected in any way by the proposed undertaking, "shall not proceed on the application of the promoters;" and it was further enacted (by section ten thereof), "Where the Board "of Trade do not proceed on the application they shall, not "later in any year than the fifteenth day of February if Par-"liament is then sitting, and if not, then within seven days after "the next meeting of Parliament, lay before both Houses of "Parliament a copy of the draft certificate lodged by the "promoters, and of the notice of opposition; and the promoters "shall be at liberty to seek by way of bill in the same session, "in such manner and on such conditions as the Houses of "Parliament respectively, by standing order or otherwise, from "time to time direct, such powers as were sought by them by way "of certificate:"

Preamble.

27 & 28 Vict. c. 121.

And whereas it would be expedient and greatly for the public advantage that the said two sections should be repealed:

A.D. 1869.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of sections 9 and 10 of recited Act.

1. That the said sections nine and ten of the recited Act, with all provisions and expressions in the said Act, or in the schedule thereunto annexed, which in any way relate to or are connected with the said sections, be and the same are hereby repealed; and the said Act shall be read and construed and carried into effect in all respects as if the said sections, with all provisions and expressions as aforesaid, were not contained in the said Act.

Short title.

2. This Act may be cited as "The Railways Construction Facilities Act Amendment Act, 1869."

Railway Construction Facilities Act (1864) Amendment.

A

B I L L

For the Amendment of "The Railway Construction Facilities Act (1864)."

(*Prepared and brought in by Mr. Whalley and Mr. M'Mahon.*)

Ordered, by The House of Commons, *to be Printed*, 22 *April* 1869.

[Bill 94.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Amendment of "The Railway Construction Facilities Act (1864)." A.D. 1869.

WHEREAS it is expedient to amend so much of "The Railways "Construction Facilities Act, 1864," as relates to the opposition of a railway or canal company to the undertaking:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Railways Construction Facilities Act, 1869."

Construction of Act 27 & 28 Vict. c. 121.

2. This Act shall be construed as one with "The Railways Con-"struction Facilities Act, 1864," and that Act is in this Act referred to as the principal Act.

Board of Trade to hear counsel, &c.

3. Section nine of the principal Act shall be read and shall have effect as if the following words had been inserted in the said section after the word "promoters" at the end thereof, that is to say, "without hearing both parties by counsel, agents, and witnesses, "in such manner as the Board of Trade may from time to time "prescribe, either by general rules to be made by them under the "principal Act, or otherwise."

Sanction of the Board of Trade.

4. Provided always, that the Board of Trade shall not sanction any railway which may abstract traffic from any existing or authorized railway or canal; and any railway so sanctioned may carry goods or minerals, but not passengers.

Railway Construction Facilities Act (1864) Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

For the Amendment of "The Railway Construction Facilities Act (1864)."

(*Prepared and brought in by Mr. Whalley and Mr. M'Mahon.*)

Ordered, by The House of Commons, *to be Printed,* 16 *July* 1869.

[Bill 220.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

FOR

The Amendment of "The Railway Construction Facilities Act (1864)." A.D. 1869.

WHEREAS it is expedient to amend so much of "The Railways "Construction Facilities Act, 1864," as relates to the opposition of a railway or canal company to the undertaking:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Railways Construction Facilities Act, 1869." Short title.

2. This Act shall be construed as one with "The Railways Construction Facilities Act, 1864," and that Act is in this Act referred to as the principal Act. Construction of Act 27 & 28 Vict. c. 121.

3. Section nine of the principal Act shall be read and shall have effect as if the following words had been inserted in the said section after the word "promoters" at the end thereof; that is to say, "without hearing both parties by counsel, agents, and witnesses, "in such manner as the Board of Trade may from time to time "prescribe, either by general rules to be made by them under the "principal Act, or otherwise:" Provided always, that the Board of Trade shall not sanction any railway which may abstract traffic from any existing or authorized railway or canal. Board of Trade to hear counsel, &c. Proviso.

4. In any certificate which the Board of Trade may think fit to settle, certifying to the effect that the promoters of the proposed undertaking are authorized to make the railway therein described, there shall be inserted as a part of the terms and conditions thereof every reservation to, and every term, condition, and restriction in favour or for the benefit of the opposing Company which (if any) the Board of Trade shall have determined that the proposed under- Board of Trade to insert conditions.

A.D. 1869.

taking ought to be subject to; and whenever any such certificate becomes absolute, every such reservation, term, condition, and restriction inserted therein as aforesaid shall have effect and be binding upon the promoters of the proposed undertaking.

Railway Construction Facilities Act (1864) Amendment.

A

B I L L

[AS AMENDED IN COMMITTEEAND ON RE-COMMITMENT]

For the Amendment of "The Railway Construction Facilities Act (1864)."

(*Prepared and brought in by Mr. Whalley and Mr. M'Mahon.*)

Ordered, by The House of Commons, *to be Printed,* 21 *July* 1869.

[Bill 230.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to the Abandonment of Railways and the Dissolution of Railway Companies. A.D. 1869.

WHEREAS by the provisions of The Abandonment of Railways Act, 1850, as revived and amended by The Railway Companies (Scotland) Act, 1867, and The Railway Companies Act, 1867, a railway company may if their whole railway is authorized to be abandoned be wound up under The Companies Act, 1862; and doubts have arisen whether such company can be so wound up on the petition of a creditor or of any person except a shareholder, and it is expedient to remove such doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Abandonment of Railways Act, 1869.

Construction of Act. 13 & 14 Vict. c. 83. 31 & 32 Vict. c. 126.

2. This Act shall be construed as one, so far as it extends to Scotland, with "The Abandonment of Railways Act, 1850," as amended by "The Railway Companies (Scotland) Act, 1867," and so far as it relates to England or Ireland, with "The Abandonment of Railways Act, 1850," as amended by "The Railway Companies Act, 1867," and those Acts are in this Act referred to as the principal Acts.

Petition for winding up of railway company.

3. Where a warrant has been granted under the principal Acts for the abandonment of the whole railway of any railway company a petition for winding up the affairs of such company may be presented under The Companies Act, 1862, and the Act amending the same, by any person who under the last-mentioned Acts is authorized to present a petition for winding up a company, or by any person upon whose application the Board of Trade may proceed in pur-

A.D. 1869.

suance of section thirty-two of The Railway Companies (Scotland) Act, 1867, and The Railway Companies Act, 1867, as the case may be, and for that purpose the railway company whose railway is so authorized to be abandoned shall, if the court think fit so to order, be deemed to be a company to which The Companies Act, 1862, applies.

Notices under 13 & 14 Vict. c. 83. s. 17.

4. The notice given in pursuance of section seventeen of The Abandonment of Railways Act, 1850, may, where there is no secretary of the company, or no office of the company, require claims or demands to be sent to such person or to such place as the Board of Trade direct.

Repeal.

5. Sections thirty-one and thirty-two of The Abandonment of Railways Act, 1850, and so much of section thirty-one of The Railway Companies (Scotland) Act, 1867, and of The Railway Companies Act, 1867, as amends the first-mentioned sections, are hereby repealed, without prejudice to anything already done thereunder; and all proceedings commenced in pursuance of those sections shall be continued under the provisions of this Act.

Railways Abandonment.

A

B I L L

To amend the Law relating to the Abandonment of Railways and the Dissolution of Railway Companies.

(*Prepared and brought in by Mr. Shaw Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be Printed,* 29 *June* 1869.

[Bill 186.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Abandonment of Railways and the Dissolution of Railway Companies. A.D. 1869.

WHEREAS by the provisions of The Abandonment of Railways Act, 1850, as revived and amended by The Railway Companies (Scotland) Act, 1867, and The Railway Companies Act, 1867, a railway company may if their whole railway is authorized to be abandoned be wound up under The Companies Act, 1862; and doubts have arisen whether such company can be so wound up on the petition of a creditor or of any person except a shareholder, and it is expedient to remove such doubts and otherwise to amend the said Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Abandonment of Railways Act, 1869. Short title.

2. This Act shall be construed as one, so far as it extends to Scotland, with "The Abandonment of Railways Act, 1850," as amended by "The Railway Companies (Scotland) Act, 1867," and so far as it extends to England or Ireland, with "The Abandonment of Railways Act, 1850," as amended by "The Railway Companies Act, 1867," and those Acts are in this Act referred to as the principal Acts. Construction of Act. 13 & 14 Vict. c. 83. 30 & 31 Vict. cc. 126, 127.

3. Where a warrant has been granted under the principal Acts for the abandonment of the whole railway of any railway company a petition for winding up the affairs of such company may be presented under The Companies Acts, 1862 and 1867, by the company, or by any person who under the last-mentioned Acts is authorized to present a petition for winding up a company, or by any person Petition for winding up of railway company. 25 & 26 Vict. c. 89. 30 & 31 Vict. c. 131.

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upon whose application the Board of Trade may proceed in pursuance of section thirty-two of The Railway Companies (Scotland) Act, 1867, and The Railway Companies Act, 1867, as the case may be, and for that purpose the railway company whose railway is so authorized to be abandoned shall be deemed to be an unregistered company which may be wound up under The Companies Acts, 1862 and 1867, and the provisions of the principal Acts which remain in force relating to winding up shall be construed as if the Companies Acts, 1862 and 1867, and the winding-up provided by this section were therein referred to.

Order of payment of debts, and application of deposit.

4. Where the court in the course of the winding-up of the company is of opinion that it is just and equitable by reason of any creditor having been a promoter, or connected with the promotion of the company, or by reason of his having looked for payment of his debt in the event only of the successful establishment of the company, or for any reason, (regard being had to all the circumstances under which he became a creditor,) that the whole or any part of the debt due to such creditor should be postponed to any other debt or debts of the company, the court may make an order directing such postponement.

If the warrant for the abandonment was made on condition that the money deposited as security for the completion of the railway, or the stocks, funds, or securities in which the same is invested, or the money secured by any bond conditioned for the completion of the railway, or for payment of money in default thereof, should be applied as part of the assets of the company, the court may, if it think fit, by such order or any subsequent order, direct that such money, stocks, funds, and securities shall not be applicable for the payment of any debt or part of a debt so postponed.

In making any order directing the same not to be so applicable, the court may have regard not only to the matters before mentioned in the case of postponement, but also to what, under all the circumstances, is fair and reasonable as between such postponed creditor and the person who lent or provided the money or any part thereof, or is the obligee of the bond.

The person who provided such money or any part thereof, or is the obligee of such bond, may, subject to any directions or rules of the court, attend all proceedings under this section and other proceedings in the winding-up, and apply to the court to act under this section.

Transfer of deposit and assignment of bond.

5. Where the warrant for abandonment is made on condition that the money deposited as security for the completion of the rail-

way, or the stocks, funds, or securities in which the same is invested, or the money secured by any bond conditioned for the completion of the railway or for payment of money in default thereof, shall be applied as part of the assets of the company, the following provisions shall have effect:

(1.) The court in which the company is being wound up may order such money, stocks, funds, or securities, or so much thereof as is required to be applied as assets of the company, to be paid, transferred, or delivered out to the official liquidator, and unless the court is satisfied that the same or any part thereof are not required to be applied as assets, shall not order the same or any part thereof to be paid, transferred, or delivered out to any other person.

(2.) The Commissioners of Her Majesty's Treasury, upon the application of the official liquidator, made with the sanction of the court, may, if they think fit, assign the bond to the official liquidator, and upon such assignment the bond shall be deemed to have been entered into with the official liquidator in his official name, and with his successors in that office, and may, subject to the sanction of the court, be enforced accordingly.

Saving for rights to residue of deposit.

6. Nothing in the principal Acts or in this Act shall affect any right to that part of the money deposited as security for the completion of the railway, or of the stocks, funds, or securities on which the same is invested, or of the money secured by any bond conditioned for the completion of the railway, which is not applied in payment of the debts and liabilities of the company, or required for that purpose.

Application for abandonment by judgment creditor.

7. Where a company, to which section thirty-two of The Railway Companies (Scotland) Act, 1867, and The Railway Companies Act, 1867, as the case may be, applies, has been required by any judgment or order of any court to pay a sum of money to any person or body corporate, and has made default in such payment, the Board of Trade may proceed under the principal Acts, upon the application of such person or body, in the same manner as if such person or body were mentioned in that behalf in the said section.

Notices under 13 & 14 Vict. c. 83. s. 17.

8. The notice given in pursuance of section seventeen of The Abandonment of Railways Act, 1850, may, where there is no secretary of the company, or no office of the company, require claims or demands to be sent to such person or to such place as the Board of Trade direct.

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Repeal of winding-up sections of 13 & 14 Vict. c. 83.

9. Section twenty-nine of The Abandonment of Railways Act, 1850, from "and they shall accordingly" to the end of that section, and sections thirty, thirty-one, thirty-two, and thirty-three of The Abandonment of Railways Act, 1850, and so much of section thirty-one of The Railway Companies (Scotland) Act, 1867, and of The Railway Companies Act, 1867, respectively, as amends the first-mentioned sections, are hereby repealed, without prejudice to anything already done thereunder; and all proceedings commenced in pursuance of those sections shall be continued under the provisions of this Act.

Railways Abandonment.

A

B I L L

[as amended in committee]

To amend the Law relating to the Abandonment of Railways and the Dissolution of Railway Companies.

(Prepared and brought in by Mr. Shaw Lefevre and Mr. John Bright.)

Ordered, by The House of Commons, *to be Printed,* 16 *July* 1869.

[Bill 219.] *Under* 1 *oz.*

A

BILL

FOR

The better settling the Real Estates of Intestates.

A.D. 1869.

Preamble.

WHEREAS it is expedient that the law of succession to real estate in cases of persons hereafter dying intestate should be the same as the law of succession to personal estate in the like cases:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same,

In cases of persons dying intestate, all real estate, or proceeds of sale thereof, to be disposed of in same manner as if same had been held for a term of years only.

1. That when and so far as any person beneficially seised of or entitled to any real estate shall after the first day of January one thousand eight hundred and seventy die intestate as to such real estate, the same shall go to and vest in the executor or administrator of such person, and the same (or the proceeds of the sale thereof, which sale the said executor or administrator is hereby empowered to make,) shall be applied and disposed of as assets of such deceased person, and be divided and distributed in the same proportions and manner, to all intents and purposes as if the same had been held by such deceased person for a term of years only, and the court entitled to grant probate or administration of the goods and chattels of any person shall be authorized and is hereby required to include in such grant such real estate as aforesaid.

Such real estate may be divided by way of partition.

Court of Chancery to make order, &c.

2. The executor or administrator may, at the request of the persons entitled to such real estate under the enactment aforesaid, divide and apportion the same by way of partition unto and amongst the said persons so entitled respectively, and the court of chancery or any judge thereof shall be authorized and empowered to give such directions, and to make such orders and decrees upon the summary application of the said executor or administrator or of the said parties entitled, or of either of them, as to such court or judge shall seem most expedient for the more effectually carrying into effect the provisions of this Act; and such court or judge shall be authorized and empowered to make such orders, as to the costs of and incident to such application, as to such court or judge shall seem meet.

[Bill 45.]

Real Estate Intestacy.

A

BILL

For the better settling the Real Estates of Intestates.

(*Prepared and brought in by Mr. Locke King, Mr. Bouverie, Mr. Hinde Palmer, and Mr. Headlam.*)

Ordered, by The House of Commons, *to be Printed,* 11 *March* 1869.

[Bill 45.]

Under 1 *oz*

A

B I L L

TO

Extend the Power of Recorders to appoint Deputies in certain cases. A.D. 1869.

WHEREAS by an Act passed in the sixth and seventh years of the reign of Her present Majesty, intituled "An Act to amend "the Act for the regulation of Municipal Corporations in England "and Wales," the recorders of boroughs having separate courts of quarter sessions are authorized and empowered, in case of sickness or unavoidable absence, to appoint deputies for the time being, and it is expedient to extend to recorders in the exercise of their civil jurisdiction as judges of the local courts of record in such boroughs, or any of them, a similar power in like cases:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to recorders exercising jurisdiction as justices of local courts of record to appoint deputies in certain cases to act in such courts.

1. That the recorder of every borough in which, by charter, custom, or otherwise, there is or ought to be holden a court or courts of record for the trial of civil actions, of which court or courts the recorder is the judge, shall be and he is hereby empowered, in case of sickness or unavoidable absence, to appoint under his hand and seal a barrister of not less than five years standing as his deputy to act for him and in his stead as judge of the court or courts of record then next to be held, or then being held, and not longer or otherwise: Provided nevertheless, that such court or courts shall not be deemed to have been illegally held, nor the acts of such deputy invalidated, by reason of the cause of absence of the recorder not being deemed to be unavoidable within the meaning of this Act.

Extent of Act.

2. This Act shall not apply to Scotland or Ireland.

[Bill 107.]

Recorders Deputies.

A

B I L L

To extend the Power of Recorders to appoint Deputies in certain cases.

(*Prepared and brought in by Mr. Denman and Mr. West.*)

Ordered, by The House of Commons, *to be Printed,* 4 *May* 1869.

[Bill 107.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Representation of the People Act, 1867." A.D. 1869.

WHEREAS it is expedient to repeal certain provisions contained in "The Representation of the People Act, 1867," herein-after termed "the principal Act," whereby the payment of the poor rate is made a condition precedent to the right of voting for a member or members to serve in Parliament for England and Wales; and to enable owners to pay the said rate, or to enter into any composition for the payment thereof, instead of occupiers: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

(1.) The paragraph numbered four of the third section of the principal Act is repealed.

(2.) The paragraph numbered four of the sixth section of the principal Act is repealed.

(3.) The seventh section of the principal Act, the paragraphs thereunto annexed, and the exceptions and provisoes thereby created, are repealed.

(4.) From and after the passing of this Act, the owner of any dwelling house, or other tenement, situated in a parish wholly or partly in a borough in England or Wales, may be rated to the poor rate instead of the occupier. The owner of such dwelling house or tenement may pay the said poor rate, or enter into any composition for the payment thereof, on behalf and instead of the occupier, to the same extent and in the same manner as if the principal Act had never passed. The rating of the owner instead of the occupier, and the payment of the said poor rate by the owner, shall not affect the right of the occupier as the inhabitant of a dwelling house within a borough to vote for a member or members to serve in Parliament, pursuant to the second paragraph of the third section of the principal Act.

[Bill 43.]

A.D. 1869.

(5.) The twenty-eighth and twenty-ninth sections of the principal Act, and the form set forth in schedule E. of the said Act, are repealed.

(6.) The forty-ninth section of the principal Act is repealed.

(7.) This Act, so far as is consistent with the tenor thereof, and with the amended franchise thereby created, shall be construed as one with the enactments of the principal Act.

Representation of the People Act (1867) Amendment.

A

B I L L

To amend "The Representation of the People Act, 1867."

(*Presented and brought in by Mr. Henry B. Sheridan and Mr. Gourley.*)

Ordered, by The House of Commons, *to be Printed,* 10 *March* 1869.

[Bill 43.]

Under 1 *oz.*

A

B I L L

TO

Alter the mode of electing Representative Peers in Scotland and Ireland, and to enable the Crown to summon such Scotch and Irish Peers as may not be Representative Peers to sit in Parliament for life. A.D. 1869.

WHEREAS it is expedient to alter the mode of electing representative peers for Scotland, also the mode of electing representative peers for Ireland, so as in each case to give the minority a share in the representation:

And whereas it is expedient to enable Her Majesty to summon Scotch and Irish peers to Parliament by their Scotch or Irish titles:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Scotch peers to vote only for ten candidates each.

1. At general elections of representative peers for Scotland no peer shall vote for more than ten candidates.

Irish peers to vote only for two out of three candidates.

2. Representative peers for Ireland shall be elected in batches of three.

No peer shall vote for more than two candidates at such elections.

Scotch and Irish peers may be summoned to Parliament by their Scotch or Irish titles.

3. It shall be lawful for Her Majesty, her heirs and successors, to summon Scotch and Irish peers to Parliament by their Scotch or Irish titles.

Peers so summoned shall have the same rights, including the right of speaking and voting in Parliament, privileges and precedence, as representative peers, and none other, except that peers of Scotland as well as peers of Ireland so summoned shall be peers of Parliament for life.

Such summonses shall confer no right on the heirs or successors of the peers so summoned.

Short title.

4. This Act may be cited as the Representative Peers Act, 1869.

Representative Peers (Scotland and Ireland).

A

BILL

To alter the mode of electing Representative Peers in Scotland and Ireland, and to enable the Crown to summon such Scotch and Irish Peers as may not be Representative Peers to sit in Parliament for life.

(*Prepared and brought in by Mr. Stapleton, Colonel French, and Colonel Stepney.*)

Ordered, by The House of Commons, *to be Printed*, 9 *March* 1869.

[Bill 41.]

Under 1 *oz.*

[To be substituted for the Bill [14.] already delivered.]

[32 Vict.] *Revenue Officers.*

A

B I L L

TO

Remove Restrictions from certain Officers employed in the Collection and Management of Her Majesty's Revenues, and to enable them to take part unreservedly in the Election of Members to serve in Parliament. A.D. 1869.

WHEREAS an Act was passed in the session of Parliament holden in the thirty-first and thirty-second years of the reign of Her present Majesty, intituled "An Act to relieve certain officers "employed in the collection and management of Her Majesty's "revenues from any legal disability to vote at the election of "members to serve in Parliament:"

And whereas notwithstanding the passing of the said Act certain servants of the Crown in the revenue departments still labour under other legal disabilities, and are precluded from taking part in and exercising the same rights as are enjoyed by other civil servants of the Crown, and by Her Majesty's subjects generally, in respect of the election of members to serve in Parliament:

And whereas doubts have arisen whether officers of the Inland Revenue department labour under the like disabilities:

And whereas it is inexpedient to maintain such exceptional restrictions:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

1. The enactments contained in the schedule to this Act are hereby repealed. Enactments in schedule repealed.

A.D. 1869.

SCHEDULE.

The Statutes of the Realm.

12 & 13 W. 3. c. 10. s. 89. (1)
9 Anne, c. 11. s. 45. (2)
10 Anne, c. 18. s. 198. (3)

(1) s. 91. in Ruffhead's edition.
(2) c. 10. s. 44. in Ruffhead's edition.
(3) c. 19. s. 182. in Ruffhead's edition.

Revenue Officers.

A

B I L L

To remove Restrictions from certain Officers employed in the Collection and Management of Her Majesty's Revenues, and to enable them to take part unreservedly in the Election of Members to serve in Parliament.

(*Prepared and brought in by Mr. Monk, Sir Harry Verney, and Mr. Craufurd.*)

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1869.

[Bill 14.] ←

Under 1 *oz.*

Roads and Bridges (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Short title.
2. Interpretation.

Appointment of Road Trustees, Board, and Committees.

3. Appointment of trustees.
4. Mode of election by ratepayers.
5. Appointment of county road board.
6. County may be divided into districts, and district committees appointed.
7. Members of board to retire by rotation.
8. Members of district committees to retire by rotation.
9. Rotation lists to be made up.
10. Occasional vacancies to be supplied.
11. Failure to elect not to invalidate acts of trustees.

Meeting of Trustees, Board, and Committees.

12. Time and place of general meetings of the trustees.
13. Meetings of board and district committees.
14. Quorum at meetings of trustees, board, and committee.

General Regulations for conducting the Business of Meetings.

15. Regulations as to meetings and proceedings of trustees, board, and district committees.
16. Chairman to be elected, in absence of ordinary chairman.
17. Board and district committees may appoint sub-committees.
18. District committees and board to make reports.
19. Appeal from decision of district committee.

Appointment of Officers.

20. Officers to be appointed.
21. District committees may appoint clerks and treasurers.
22. Salaries to be fixed by the board.

General Management.

Clause.
23. Consolidation of trusts.
24. Abolition of tolls.
25. Trustees to purchase private pontages, &c.
26. Roads situated in more than one county.
27. Detached parts of counties to form part of the county by which they are surrounded.
28. Boundaries of burghs.
29. Magistrates or local authority to have management of roads within burghs.
30. Highways may cease to be such, and other roads may become highways.
31. A highway ceasing to be a highway may be shut up.
32. Authentication of documents relating to the execution of this Act.
33. Actions may be sued and defended in name of clerk.
34. Actions now pending transferred to trustees under this Act.
35. Former trustees, &c. to account for monies, and deliver up books.
36. Books of former trustees to be evidence.
37. Former officers to continue till removed.

Maintenance and Repair of Roads.

38. Surveyor to report on condition of highways, and estimate cost of maintenance.
39. Board to meet and consider reports.
40. Roads or highways may be shut up for repairs.
41. Assessments in counties for maintenance and repair.
42. Lists of assessed horses to be furnished by Inland Revenue officer.
43. Assessment in burghs for maintenance and repair.
44. Former modes of assessment may be retained in certain cases.

Construction of new Roads.

45. New roads may be constructed by the board and assessed for upon proprietors.

Valuation and Allocation of Debt.

46. Clerks of trusts to make out list of debts.
47. Intimation to creditors.

Clause.
48. Revised list of debts to be made up.
49. Revised lists to be open to inspection.
50. Debts be charged against counties and burghs, and may be compromised.
51. Valuation of debts.
52. Allocation of debts on roads in two or more counties.
53. Allocation of debts between landward parts of counties and burghs.
54. Certificate of debt to be granted to creditors.

Provisions for Payment of Debt.

55. Payment of interest.
56. Trustees of counties and magistrates of burghs may resolve to pay off debt.
57. Assessment for payment of debt.
58. Trustees and magistrates of burghs may borrow on security of assessments.
59. Trustees and magistrates of burghs may borrow from Public Loan Commissioners.
60. Loans to be repaid out of assessments imposed under authority of this Act.
61. Provision for protection of lenders on security of assessments.
62. Trustees and magistrates may pay off loans, and borrow money for that purpose.
63. Unclaimed instalments to be consigned.

General Provisions as to Assessments.

64. Terms at which assessments shall be payable.
65. Collection of assessments.
66. Commissioners of supply to hear appeals.
67. Power to recover assessments.
68. Burghs may apply certain funds to maintenance of roads in lieu of assessments.

Miscellaneous.

69. Monies to be lodged in bank.
70. Drafts on bank account of trustees or board.
71. Drafts on bank account of district committee.

Clause.

72. Execution of bonds and other securities.
73. Application of monies not otherwise appropriated.
74. Audit of accounts and incorporation of General Turnpike Act and Statute Labour Act.
75. The words "trustees under any turnpike Act" to apply to county road trustees, &c.
76. Recovery and application of penalties under this Act.
77. Court of Session shall enforce compliance with provisions of this Act.

Application of this Act.

78. Act not to apply to certain counties, but may be adopted in such counties.

SCHEDULES.

A

B I L L

TO

Provide for the Consolidation of Trusts, the Appointment of County Road Trustees, the Abolition of Tolls and Statute Labour, and the Maintenance of Public Roads and Bridges by Assessment, in Scotland. A.D. 1869.

Preamble. WHEREAS it is expedient that provision should be made for placing the public roads in Scotland under uniform management and control, and that the levying of tolls and bridge money, and the exaction of statute service, or payments in money by way of the conversion thereof, as regards such roads, should be abolished, and other means provided for the improvement and maintenance of such roads, and that the debts chargeable upon or which may be made to affect such roads, or the assessments leviable for the maintenance thereof, should be ascertained and provided for:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited for all purposes as "The Roads and Bridges (Scotland) Act, 1869."

Interpretation. **2.** In this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"Sheriff" shall include sheriff and steward-substitutes:

"The trustees" shall mean the county road trustees appointed and acting under this Act:

"The board" shall mean the county road board appointed and acting under this Act:

"The district committee" shall mean the district road committee appointed and acting in any district under this Act:

"Clerk," "treasurer," and "surveyor," shall respectively mean the county road clerk, the county road treasurer, and the county road surveyor, appointed and acting for the time being under this Act:

A.D. 1869.

"The county" shall mean any county in which this Act is in force:

"Landward part of the county" shall mean the county exclusive of the burghs therein:

"Burgh" shall have the meaning attached to the word in the General Police and Improvement, Scotland, Act, 1862:

"Turnpike road" shall include all bridges forming part of any turnpike road trust:

"Highway" shall mean and include all turnpike roads, all statute labour roads, and all other roads when declared to be highways under the provisions of this Act, all streets and roads within any burgh, and all bridges forming part of any highway:

"Tolls" shall include pontages:

"Proprietor," "tenant," "occupier," and "lands and heritages," shall have the same meaning as is attached thereto respectively in and by the Act seventeenth and eighteenth Victoria, chapter ninety-one, intituled "An Act for the "valuation of lands and heritages in Scotland;" and the expression "the valuation roll" shall mean the valuation roll in force for the time for any county, and each of the royal burghs therein, made up under the authority of the said Act, or any other Act relating to the valuation of lands and heritages in Scotland which may be in force for the time being:

"Local newspaper" shall mean any newspaper published in the county, or, if there be no newspaper published therein, any newspaper published in a county adjoining or near thereto:

Where in this Act notice is required to be given by "special advertisement," such notice shall be published once in the Edinburgh Gazette, and once in at least two local newspapers:

"Maintenance and repair" shall mean and include such alterations on highways as shall be deemed expedient or necessary by those having the management thereof.

Appointment of Road Trustees, Board, and Committees.

Appointment of trustees.

3. From and after the *passing of this Act* the following persons shall be trustees for executing this Act, and be named the "County Road Trustees;" viz.,

(1.) All persons being commissioners of supply of the county:

(2.) All persons who, although not commissioners of supply, are at the time of the passing of this Act acting trustees of any public road or highway within the county under the provisions of any public or local Act then in force:

(3.) The provost or chief magistrate, and one member of the town council, to be annually elected by the town council,

of each of the royal and parliamentary burghs in the county having more than five thousand inhabitants; and the provost or chief magistrate alone of every other burgh within the county:

(4.) Two persons, to be elected annually, as herein-after provided, by the ratepayers under this Act, in each parish or united parish wholly or partially situated in the county, each of such persons to be a tenant and occupier of lands and heritages in the county entered in the valuation roll at any sum not less than one hundred pounds of yearly value.

Mode of election by ratepayers.

4. Within *six weeks* from the passing of this Act, the said ratepayers of each parish within the county entitled to elect two trustees for the purposes of this Act shall meet, and elect two persons qualified as aforesaid to be such trustees, who shall continue in office for the year succeeding such election, and the county road clerk herein-after appointed shall call and convene such meeting; and yearly thereafter the said ratepayers shall meet for the same purpose, and shall be called and convened by the said county road clerk; and at every such subsequent corresponding yearly meeting two persons, qualified as aforesaid, shall be elected as trustees for the purposes of this Act for the year succeeding their election.

Appointment of county road board.

5. The trustees shall at their first general meeting appoint the "county road board," consisting of not more than *thirty* of the trustees, and not less than *one third* of the board shall be trustees representing parishes, as herein-before provided, and the chairman of the trustees shall be over and above ex officio a member of the board and chairman thereof; and the board shall have and may exercise all the powers, rights, and privileges conferred on the trustees by this Act, except in so far as the trustees shall otherwise expressly provide, but shall be subject in all respects to any requisitions, orders, regulations, or instructions which may from time to time be issued by the trustees.

County may be divided into districts, and district committees appointed.

6. The board may adopt and continue any existing division into districts of the highways under their management and control, or may from time to time divide the said highways into such districts as they think fit, for the purposes of management or assessment or both, and for any other purposes under this Act, and may define the limits and boundaries of such districts, and may appoint for each district such of the trustees as they think fit to be a district committee; and not less than one third of the district committee so appointed shall consist of trustees representing parishes within the district,

A.D. 1869.

as herein-before provided; and each district committee shall annually nominate one of their number to be chairman thereof for the year succeeding; and, in addition to the members thereof appointed as aforesaid, every member of the board shall ex officio be a member of the district committee for the district within which such member of the board shall be a proprietor or occupier of lands and heritages or shall be usually resident.

Members of board to retire by rotation.

7. *One third* of the members of the board shall retire annually by rotation at each annual general meeting of the trustees, and at each such annual general meeting the number of trustees required to supply the vacancies occurring in the board shall be elected, subject to the provision herein-before contained with respect to the constitution of the board.

Members of district committees to retire by rotation.

8. *One third* of the members of each district committee shall retire annually by rotation at the first meeting of the board after each annual general meeting of the trustees, and at such first meeting of the board annually the number of trustees required to supply the vacancies occurring in the district committee shall be elected by the board, subject to the provisions herein-before contained with respect to the constitution of the district committee.

Rotation lists to be made up.

9. The names of the members of the board and of each district committee first appointed shall be entered alphabetically by the clerk in a rotation list, and one third of the members whose names are lowest on the said list shall retire annually by rotation until the whole of such members have gone out of office; and thereafter the one third of the members who have been longest in office shall retire annually by rotation; and if any question shall arise as to the member who is to retire, such question shall be determined by the majority of votes at the meeting of the trustees or of the board, as the case may be, at which the election of his successor is to take place; provided that members of the board and of district committees retiring by rotation, or otherwise ceasing to be members, may be re-elected.

Occasional vacancies to be supplied.

10. If any member of the board or of the district committee shall refuse to act, or shall die, or become disqualified, the trustees or the board, as the case may be, if they think fit, may appoint a member to supply his place, and the member so appointed shall remain in office only so long as the person in whose room he was appointed might have held office.

Failure to elect not to invalidate acts of trustees.

11. If the magistrates and council or local authority of any burgh, or the ratepayers of any parish, shall fail to elect a person to be a trustee for the purposes of this Act, or if any person elected by

such magistrates and council, local authority, or ratepayers to be a trustee, or any other trustee, shall refuse to act, or shall resign, die, or become disqualified, the acts and proceedings of the remaining trustees, whether acting as trustees or as members of the county road board or of a district committee, as herein-after provided, shall nevertheless be deemed to be the acts and proceedings of the trustees, board, or district committee, as the case may be, and shall be as valid and effectual as they would have been if such failure, refusal, resignation, death, or disqualification had not occurred.

Meeting of Trustees, Board, and Committee.

Time and place of general meetings of the trustees.

12. The first general meeting of the trustees shall be called by the convener of the county by special advertisement, and shall be held not later than months after the passing of this Act, at such place as the said convener shall appoint, and an annual general meeting of the said trustees shall be held on the first Tuesday in May in each year, or on such other day as may be resolved on at any general meeting of the trustees, and at such place as the said trustees may from time to time appoint; and at the said first general meeting, and at every annual general meeting, the trustees present shall choose one of their own number to be chairman of the trustees, and such chairman shall hold office until the annual general meeting succeeding his appointment, or until his successor is appointed, and may be re-elected on the expiration of his first or other period of office; and the chairman shall, when present, preside at all general and special meetings of the trustees.

Meetings of board and district committees.

13. The time and place of the first meeting of the board shall be fixed by the trustees, and the time and place of any subsequent meeting may be fixed by the board itself; and the time and place of the first meeting of each district committee shall be fixed by the board, and the time and place of any subsequent meeting may be fixed by the district committees respectively.

Quorum at meetings of trustees, board, and committee.

14. The county road trustees shall at their first meeting, by a majority of the votes of those present, determine what number of trustees shall be requisite to constitute a quorum at meetings of the trustees, of the county road board, and of the several district committees, respectively; and it shall be in the power of the trustees to alter such quorum from time to time as they may think fit.

General Regulations for conducting the Business of Meetings.

Regulations as to meetings and proceedings

15. The following provisions shall be applicable to the meetings and proceedings of the trustees, the board, and the district committees respectively:

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of trustees, board, and district committees.

Special meetings of the trustees or of the board may be called by the chairman at any time he may think fit, by special advertisement, stating the object of such meeting; and on a requisition stating the object and business of such special meeting, and signed by five trustees in the case of a special meeting of the trustees, and by three members of the board in the case of a special meeting of the board, being presented to the chairman of the trustees or of the board, as the case may be, he shall direct the clerk to call such meeting of the trustees or of the board, as the case may be, by special advertisement stating the object of such meeting, and the place and date of each meeting, of which at least fourteen days notice shall be given:

Special meetings of any district committee may be called at any time by the district clerk, on the orders of the chairman, by circular stating the object of such meeting, and the place and date of such meeting, addressed to each member of the committee, and forwarded by post at least eight days before such meeting:

Any meeting, general or special, of the trustees, or of the board or district committee, may be adjourned to a time and place to be specified in the minutes of such meeting; and in the event of a quorum not being present at any general or special meeting the clerk shall, in the case of meetings of the trustees or the board, by special advertisement, and in the case of district committees by circular addressed and forwarded by post as herein-before provided, call another meeting, to be held at the same place on any day within three weeks after the day fixed for such meeting:

Any business appointed by this Act to be transacted, and any assessment by this Act authorized to be imposed, at any general or special meeting of the trustees or the board or the district committee, may be transacted or imposed at any adjourned meeting thereof; provided that no business shall be brought before or transacted at such adjourned meeting which was not brought or appointed to be brought before the original meeting which was so adjourned.

Chairman to be elected, in absence of ordinary chairman.

16. In the absence of the chairman at any meeting of the trustees or of the board or of any district committee, any person elected by the majority of the trustees or members present at such meeting shall preside thereat; and in case of an equality of votes the person present whose name stands first on the sederunt roll of the meeting shall preside at such meeting, and in all other cases of equality of votes the chairman shall have a casting as well as a deliberative vote.

Board and district committees may appoint sub-committees.

17. It shall be lawful for the board or for any district committee to appoint from time to time any number of their members respectively to be sub-committees for the purposes of this Act, and to delegate to such sub-committees the exercise of all or any of their powers, subject to such orders and directions, not inconsistent with the provisions of this Act, as they may respectively prescribe.

District committees and board to make reports.

18. Each district committee shall annually make a report of their proceedings to the board, with detailed accounts of their receipts and expenditure, and shall make reports on such other matters at such times and in such manner as may be prescribed by the trustees or the board; and the board shall annually make a report of their proceedings to the trustees, with detailed accounts of their receipts and expenditure, and shall make reports at such other times on such matters as may be prescribed by the trustees; and along with such annual report the board shall lay before the trustees a copy of the reports and accounts of the district committees respectively.

Appeal from decision of district committee.

19. Any person who shall object to or think himself aggrieved by the decision or resolution of any district committee or sub-committee may appeal, at any time within one month after such decision or resolution, to the board, whose determination therein shall be final; provided that such appeal shall not prevent the execution of any of the powers of this Act in any matter affecting any other person not being a party in such appeal; provided also, that it shall not be competent to the board to reverse the decision or resolution of such district committee or sub-committee, except by the votes of two thirds of those present.

Appointment of Officers.

Officers to be appointed.

20. The board may appoint a clerk, who shall also be clerk to the trustees, and shall be called the "county road clerk," a treasurer, who shall be called the "county road treasurer," a surveyor, who shall be called the "county road surveyor," and a collector, who shall be called the "county road collector;" and, if it shall be found necessary, may appoint more persons than one to execute any of the above-named officers, and may also appoint such other officers and servants as they may think necessary for carrying this Act into execution; and such officers and servants shall perform the duties from time to time prescribed by the board, and shall be subject to removal at any time by the board, and they and all other officers of the board or the district committees after mentioned respectively shall find such security as the board or district committees respectively shall require.

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District committees may appoint clerks and treasurers.

21. Each district committee may from time to time appoint a clerk and treasurer (who may be the same person), and prescribe their or his duties; and, subject to the approval of the board, the district committee may fix the salaries to be paid to and the security to be taken from such clerk and treasurer, for the discharge of their or his duties, where such security is required to be taken; and every such officer shall hold office only during the pleasure of the district committee, by either of whom he may at any time be removed from office.

Salaries to be fixed by the board.

22. The board shall fix the salaries and allowances to be paid to the several officers and servants appointed and employed by them; and such salaries and allowances, and all other necessary expenditure in the execution of this Act, shall be paid out of the several funds and revenues at the disposal of the trustees, in such proportions as the board shall from time to time fix and determine.

General Management.

Consolidation of trusts.

23. From and after the *passing of this Act*, the whole turnpike roads, highways, and bridges within the landward part of each county shall form one general trust, with separate district management, in certain cases, as herein provided; and all the roads, bridges, lands, buildings, works, rights, interests, monies, property, and effects, rights of action, claims and demands, powers, immunities, and privileges whatever, except as herein-after provided, vested in or belonging to the trustees of any such turnpike roads, highways, and bridges within the county, shall become and be by virtue of this Act transferred to and vested in the county road trustees herein-after appointed, who, subject to the qualifications herein-after expressed, shall be liable in all the debts, liabilities, claims, and demands in which the trustees of such turnpike roads, highways, and bridges are or were liable under any public or local Act then in force, except in so far as such debts, liabilities, claims, and demands may under the provisions of this Act be discharged or extinguished.

Abolition of tolls.

24. From and after the *fifteenth day of May one thousand eight hundred and seventy*, all tolls within any county in Scotland, and all causeway mail within any burgh, shall be abolished, and the exaction of statute labour, and any payments of money by way of conversion thereof, and all assessments heretofore leviable for the maintenance of bridges within the said counties, shall cease and determine, any Act or Acts to the contrary notwithstanding; and all roads and bridges shall thereafter be and become highways, and open to the public free of tolls, within the meaning and for the purposes of this Act.

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Trustees to purchase private pontages, &c.

25. The trustees of any county, or the magistrates and council or local authority of any burgh, shall adjust and settle with the proprietor of any bridge or bridges belonging to a private person or persons, at which pontages are levied or leviable, what compensation shall be paid to him or them in respect of such pontages abolished by this Act, and shall also purchase up such bridge or bridges from the said person or persons, and shall adjust and settle with him or them the purchase price at which the same shall be so purchased; and if they and such person or persons cannot agree as to the compensation to be made for the said pontages, or as to the purchase money to be paid for the said bridge or bridges, then the same shall be fixed and determined in the same manner as is herein-after provided in relation to the valuation of road debts.

Roads situated in more than one county.

26. Where any trust existing at the date of the passing of this Act embraces a turnpike road or highway partly situated in more than one county, the portion thereof within each such county shall be vested in and managed by the trustees, board, and relative district committee of the respective county in which such portion is so situated; and the whole assets of any such trust shall, except as herein otherwise provided, be divided among the trustees of the respective counties and the burghs respectively situated therein, in the proportion in which the debt affecting such turnpike trust shall be valued and allocated among such counties and burghs respectively under the provisions of this Act: Provided always, that all lands, heritages, works, and buildings belonging to any such trust locally situated within any such county or burgh shall remain the property of the county or burgh, as the case may be, within which such buildings are so situated, and shall be applied and used for the purposes of this Act, and may be sold or otherwise disposed of by the trustees of such county, or the magistrates and council or local authority of such burgh, who shall apply the proceeds to the purposes of this Act.

Detached parts of counties to form part of the county by which they are surrounded.

27. All detached parts of counties shall, for the purposes of this Act, be considered as forming part of that county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary; and it shall be lawful for the sheriff of the county by which any detached part of another county is so surrounded or partly surrounded to act as sheriff in all things whatsoever relating to the provisions of this Act concerning such detached part; and all the provisions of this Act in regard to the qualification and appointment of trustees, and to their rights, powers, privi-

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leges, liabilities, and immunities, shall apply to such detached part of a county as if it were an integral part of the county by which it is surrounded or partly surrounded as aforesaid, and the trustees, board, district committees, and whole officers and servants thereof, shall have the same powers in the execution of their duties over such detached parts of a county as they have over the county by which it is surrounded or partly surrounded; and in imposing and levying any assessment for the purposes of this Act, all such detached parts of counties shall be included in the assessment for the county by which they are so surrounded or partly surrounded, and they shall be excluded from any such assessment for their own county.

Boundaries of burghs.

28. The boundaries of royal and parliamentary burghs for the purposes of this Act shall be held to be the boundaries thereof fixed under the provisions of the "Prisons (Scotland) Administration Act, 1860," and the boundaries of other burghs shall be held to be the boundaries thereof fixed under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Act therein first recited.

Magistrates or local authority to have management of roads within boroughs.

29. From and after the *passing of this Act*, the magistrates and council or local authority of every burgh shall be vested in and have the entire management and control of all the highways situated within the same, and shall possess the same rights, powers, and privileges, and be subject to the same liabilities in reference to the highways therein, as the trustees under this Act possess and are liable to in reference to highways in the landward part of the county, and shall also have and may exercise, with reference to the making, maintenance, and repair of the highways within their respective bounds, such and the like powers and authorities as they possess with reference to any streets within their respective bounds; and the magistrates and council or local authority of any burgh may, by a resolution passed at a meeting summoned for the purpose, at not less than a month's notice, by special advertisement, devolve the control, management, or maintenance of the highways within the boundaries or forming the boundary thereof upon the trustees of the county within which such burgh or any portion thereof is situated, on payment to such county road trustees of such an annual sum or upon such terms as may be agreed upon.

Highways may cease to be such, and other roads may become highways.

30. The board may, on a written report from any district committee, or from the surveyor, resolve and declare, at any of their meetings, that any highway shall cease to be a highway

within the meaning and for the purposes of this Act; or that any parish or other road which prior to the adoption of this Act had not been maintained by statute labour, or out of the payments of money by way of conversion thereof, shall be a highway within the meaning and for the purposes of this Act; provided that notice shall be given by the board of the intention to make such declaration, by special advertisement, and also by printed notices affixed to the church door of every parish in which any part of such road or highway is situated, for at least one month before the date of the meeting at which such declaration is to be made; provided also, that any resolution declaring that a highway shall cease to be such shall be passed by a majority of at least *two thirds* of those present at the meeting.

A highway ceasing to be a highway may be shut up.

31. After a highway has ceased to be a highway, the board may, by a majority of *two thirds* of their number present at any meeting held for this purpose, direct it to be shut up, and may exchange the ground occupied by such highway, or any part thereof, with the owner of any adjoining land, for any other land they may require for the purposes of a highway, or they may sell and dispose of it: Provided always, that they shall first offer the ground of the said highway to the person or persons whose lands immediately adjoin thereto, and if such person or persons refuse to purchase the same, whether on account of the price or otherwise, they shall proceed in the manner directed by the first and second William the Fourth, chapter forty-three, in regard to the sale and disposal of turnpike roads; and the price shall be applied to the maintenance and repair of the highways within the county or district in which the highway which has been sold is situated.

Authentication of documents relating to the execution of this Act.

32. For the purposes of this Act, the signature of the chairman of the trustees or of the chairman of the board, or of the preses of any meeting of the trustees or of the board, or of the chairman of any district committee or of any sub-committee to be appointed for carrying into effect the purposes of this Act, adhibited to any writing or document, shall be equivalent to the signatures of the whole trustees or members of the board, or of the whole members of such district committee or sub-committee, present at a meeting thereof respectively; and the addition to such signature of the word "chairman" or "preses" shall be good primâ facie evidence that such signature is the signature of such chairman or preses, as the case may be, and that such writing or document is genuine and authentic.

Actions may be sued and

33. The trustees, the board, or any district committee respectively, may sue and be sued in the name of their clerk for the

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defended in name of clerk.

time being; and no action or process shall fall or be suspended by the death or removal of any such clerk; provided that all expenses incurred by any such clerk in connexion with any action or proceedings instituted or defended under the orders or instructions of the trustees, board, or committee shall be paid out of the funds at the disposal of the trustees, board, or committee in whose interest such action or proceedings have been instituted or defended.

Actions now pending transferred to trustees under this Act.

34. No action, prosecution, or other proceeding by or against the trustees or other persons acting before the passing of this Act, under the authority of any public or local Act, in relation to the turnpike roads or highways vested in the county road trustees under this Act, shall cease or be discontinued or be prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the county road trustees appointed under this Act, in the same manner in all respects as the same would have continued and taken effect in relation to the trustees or other persons under any of the said public or local Acts if this Act had not been passed.

Former trustees to account for monies, and deliver up books.

35. All persons acting or who have acted under any of the public or local Acts in force at the passing of this Act as trustees of any of the turnpike roads, highways, or bridges within the county, or as clerks or officers of such trustees, who shall, at or after the fifteenth day of May next following the date of the passing of this Act, have in their custody, power, or possession any monies collected by virtue of such Acts, or any books, deeds, papers, writings, property, or effects belonging to the said turnpike or highway trusts respectively, or relating to the execution of such Acts, shall pay and deliver up the same to the county road trustees, or to such person as they shall appoint to receive the same.

Books of former trustees to be evidence.

36. All books containing the accounts and proceedings of the trustees or other persons who have acted under any of such public or local Acts shall and may be given in evidence in all claims, prosecutions, appeals, and actions whatsoever under this Act, in the same manner as they might have been used under the said public or local Acts.

Former officers to continue till removed.

37. The clerks, treasurers, surveyors, collectors, and all other officers who have been appointed under and employed in the execution of any public or local Act in force at the passing of this Act relating to the turnpike roads and highways within the county, shall respectively continue to hold and exercise their offices thereafter until they shall respectively be removed by the board or magistrates of burghs, as the case may be, or be incapable of

executing their offices, and shall be subject to the like rules, regulations, and penalties in all respects as if they had been appointed under the authority of this Act; and it is hereby provided that the trustees shall have a discretionary power to grant to any of the officers of the road trustees before mentioned, or to any of the officers of the county board or district committees appointed under this Act, such superannuation allowance on their retirement or removal from their respective offices as they the said trustees shall deem fit. A.D. 1869.

Maintenance and Repair of Roads.

Surveyor to report on condition of highways, and estimate cost of maintenance.

38. The surveyor shall, within six months after his appointment under this Act, make up and deliver to the clerk of the board, and where there are districts to the clerks of the district committees, respectively, for the use of such committees, a report of the condition of the highways within the county or within each district thereof, a specification of works contemplated in connexion therewith, and an estimate of the sums required for the purposes of the highways within the county or district for the year from the *fifteenth day of May* immediately following the passing of this Act to the *fifteenth day of May* in the year succeeding, and he shall in like manner make up and deliver to the clerk of the board and the clerks of the district committees respectively a similar report and specification and estimate for each succeeding year; and the district committees shall, within ten days after the receipt of such reports and estimates, consider the same, and shall report the same, along with the amount required to be expended on such highways, to the board, not later than one month prior to the annual meeting of the board.

Board to meet and consider reports.

39. The board shall hold an annual meeting on such day as they may fix, for the purpose of considering the reports, specifications, and estimates of the surveyor, and relative deliverances of the respective district committees, and shall consider and review the same; but it shall not be competent to alter or reverse any such deliverances, except by the votes of *two thirds* of those present.

Roads or highways may be shut up for repairs.

40. The board, or, where there are districts, any district committee, on a written report from the surveyor that it is necessary to shut up for a limited period any road or highway, for the purpose of repairing the same, may from time to time authorize the shutting up of such road or highway for such period as they may deem necessary; provided that notice of the intention so to

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shut up such road or highway shall be given by advertisement in a newspaper circulating in the county or district within which such road or highway is situated at least one month before such road or highway shall be so shut up.

Assessments in counties for maintenance and repair.

41. The amount required for the maintenance and repair of highways within the landward part of any county shall be levied by the trustees, at such rates as may be necessary, for the purposes and by means of any one or more of the following methods that the trustees may think expedient:—

(1.) By an assessment to be imposed and levied at a uniform rate on all lands and heritages in the landward part of the county, or, where such county is divided into districts under the provisions of this Act, at a uniform rate over each of such districts; and such assessment shall be paid, one half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same is imposed, except in cases where the name of the tenant or occupier is not set forth in the valuation roll, in which case the whole of the assessment imposed on such lands and heritages shall be levied from and paid by the proprietor, who shall be entitled to recover the half thereof from the tenant or occupier: provided that obligations under existing leases as to payment of assessments shall not be affected by anything contained in this section:

(2.) By an assessment to be imposed and levied on all horses liable to assessment or licence duty under any Revenue Act, kept within the county inclusive of any burghs that may be situated in the same; provided that such assessment shall not exceed the rate of one pound for each horse:

(3.) By an extra assessment (over and above the assessment last mentioned) to be imposed and levied on all horses liable to assessment or licence duty under any Revenue Act, kept within the landward part of the county, or used in any public conveyance, or let out to be used for hire, within the landward part of the county; provided that such extra assessment shall not exceed the rate of for each horse.

Lists of assessed horses to be furnished

42. Her Majesty's Commissioners of Inland Revenue, when required by the county road clerk, shall furnish to him, on or before the *first of December* in each year, a certified list showing the number

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of horses chargeable within such county, and the parties liable for the same, and shall, if required by the trustees to do so, distinguish in such list those horses that are chargeable within the landward part of the county, and those horses that are chargeable within the several burghs within the county; and such list, certified by the surveyor or collector, or other principal officer of Inland Revenue within the county, shall be sufficient evidence of the liability of the persons mentioned therein; and such surveyor, collector, or other officer shall be entitled to receive a fee not exceeding twenty shillings for each such list furnished by him.

by Inland Revenue officer.

Assessment in burghs for maintenance and repair.

43. The amount required for the maintenance and repair of highways within burghs shall be levied by the magistrates and council or local authority, at such rates as may be necessary for the purpose, by an assessment to be imposed and levied at a uniform rate on all lands and heritages within the burgh; and such assessment shall be paid, one half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which such assessments are imposed, except in cases where the name of the tenant or occupier is not set forth in the valuation roll, in which case the whole of the assessment imposed on such lands and heritages shall be levied from and paid by the proprietor, who shall be entitled to recover the half thereof from the tenant or occupier.

Former modes of assessment may be retained in certain cases.

44. Where in any burgh at the time of the passing of this Act the management and control of any highways, and the power to levy any rates or assessments in respect thereof, was vested in the magistrates and council, police committee, commissioners of police, or other local authority, in virtue of any general or local Act of Parliament, it shall be lawful to continue to impose and levy such rates, and to apply them as heretofore: Provided always, that the magistrates and council or local authority of such burgh may, at any meeting called for the purpose, at not less than a month's notice, by special advertisement, pass a resolution that such rates and assessments shall, from and after a date to be fixed in such resolution, thenceforth cease to be levied; and in the event of such resolution being carried by a majority of votes, the maintenance and repair of the highways shall, from and after such date, be provided for by a uniform assessment within the burgh as herein-before provided.

Construction of new Roads.

New roads may be constructed by

45. The board may from time to time, at a meeting to be called for the purpose by special advertisment, resolve to construct

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the board, and assessed for upon proprietors.

any new road or bridge that they may think requisite, or may enter into an agreement with any person or corporation for the construction of any new road or bridge, and may require such person or corporation to provide the whole or any part of the expense of such new road or bridge as a condition of the construction of the same; and all new roads and bridges so constructed shall be highways; and the expense of such construction, so far as payable by the board, shall be raised by an assessment to be imposed and levied on the county or district within which such new road or bridge is situated, in the same manner and with the same powers as is herein-after provided in the case of assessments for payment of debt in so far as the same are applicable thereto; and such assessment shall not extend over a longer period than *ten* years, and shall be levied from and paid by the proprietors of lands and heritages within the county or district; and the commissioners of supply of any county for such county or district, and the magistrates and council or local authority of any burgh for such burgh, shall have power to borrow money for extraordinary repairs on highways, to be repaid by an assessment to be imposed or levied on the landward parts of the county or burgh respectively in which such highway is situated, and such assessment shall be levied in the same manner as assessments for payment of debt, and shall not extend over a longer period than *ten* years, and the whole provisions of this Act in regard to borrowing monies for the payment of debt, in so far as applicable thereto, shall extend and apply to the powers of borrowing herein conferred.

Valuation and Allocation of Debt.

Clerks of trusts to make out list of debts.

46. The clerks of the trusts in each county shall, within *two months* after the date of the passing of this Act, make out a list of the whole debts of each such trust, distinguishing as far as possible their order of preference, and also showing what proportions thereof consist of principal, and of arrears of interest, if any, and the names of the creditors in such debts, so far as known to them; and such lists shall be deposited in the offices of such clerks, for the inspection of all persons interested or claiming to be interested in such debts.

Intimation to creditors.

47. The clerks of the several trusts respectively shall by special advertisement, within eight days after the foresaid lists have been deposited, give intimation that such lists have been deposited, and require all persons claiming to be entitled to payment of any debt affecting the turnpike roads and highways embraced in such trusts,

or the tolls and revenues thereof, to lodge their claims and the vouchers thereof with them on or before a day to be specified in such notice, which day shall be at an interval of not less than *six weeks* nor more than *two months* from the first publication of such advertisement.

Revised list of debts to be made up.

48. Within *twenty-one* days after the day specified in the said notice, the clerks of the foresaid trusts respectively shall, from the statement made up by them, and the claims and vouchers which may be lodged with them, make up a full and complete revised list of all the debts affecting or alleged to affect the turnpike roads and highways embraced in such trusts, and the tolls or revenues thereof, and the interest due thereon, and the names and designations of the creditors entitled or claiming to be entitled thereto, with such notes or observations on such claims and vouchers as they may think necessary.

Revised lists to be open to inspection.

49. The list of debts revised as aforesaid shall, immediately on the expiry of the last-mentioned period, be docqueted and signed by the clerk of the respective trust, and thereafter deposited in the office of the county road clerk; and where in any trust there is a road situated in more than one county, a copy of such list of debts, docqueted and signed as aforesaid, shall be deposited in the office of the county road clerk of each such county; and intimation of the same shall be made by special advertisement, and the said lists shall for one month after the first publication of such notice be open for inspection, free of charge, to all persons interested or claiming to be interested therein.

Debts to be charged against counties and burghs, and may be compromised.

50. The debts of each trust, valued and allocated as herein-after provided, shall be charges against the several counties and burghs respectively within which the turnpike roads and highways are situated upon which or the revenues thereof respectively such debts were charges before the passing of this Act; and it shall be lawful for the trustees, together with the magistrates and council or local authority of any burgh, where the road subject to any such debt is partly situated within burgh, to adjust, compromise, and determine, in conjunction with the creditor or creditors, the value of any such debt due or claimed to be due by or from any such turnpike or statute labour trust respectively.

Valuation of debts.

51. In the event of any such debt not being adjusted, compromised, and determined as herein-before provided, it shall be lawful for the trustees to tender to any such creditor a statement of the value at which such debt is estimated by them; and such statement, if accepted by such creditor, shall be held

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to ascertain and determine the value thereof; and it shall be lawful to such creditor, if dissatisfied with such statement, within one calendar month from the date of such statement, to require the trustees to name one person to act as arbiter, and such creditor shall also name one person to act as arbiter, and the arbiters so named shall forthwith proceed to ascertain and value such debt; and any one having interest shall be entitled to appear and be heard, and the said arbiters shall ascertain whether any and what debt is due, with the interest thereon, and shall estimate and determine the amount of the same, and in making such valuation shall take into account the interest paid on such debt out of the trust funds, and the nature of the security on which the debt may have rested prior to the passing of this Act, irrespective of any personal or other collateral obligation undertaken by trustees or others, and generally shall take into consideration the present market value of such debt, and every circumstance which might in their opinion reduce, enhance, or in any way affect the value thereof; and the decision of the said arbiters shall be final, and not subject to review in any manner or upon any grounds whatever; and in the event of the said arbiters not being able to agree in a decision, it shall be lawful for the creditor aforesaid to apply to the accountant of the Court of Session, or to the sheriff of the county within which the aforesaid roads or any part of them are situated, and such accountant or sheriff, as the case may be, shall act as oversman, and give a decision, and such decision shall be final.

Allocation of debts on roads in two or more counties.

52. In case of any trust existing at the time of the *passing of this Act* comprising any turnpike road or highway situated in two or more counties in Scotland, the trustees of such counties respectively may adjust, compromise, and determine in what proportions the debts valued as aforesaid affecting such trust shall be allocated and made chargeable upon such counties respectively, or if they shall fail to do so the trustees of the several counties aforesaid respectively shall name one person for each such county to act as arbiter; and the arbiters so named shall forthwith proceed to ascertain and determine the proportions in which, according to equity, and taking into consideration all the circumstances of the case, the debt aforesaid ought to be, and shall be, allocated upon, and be a charge against, the several counties respectively, and the decision of the said arbiters shall be final, and not subject to review in any manner or upon any grounds whatever; and in the event of the said arbiters not being able to agree in a decision the accountant of the Court of Session, on the application of the trustees of either or any of such counties, shall act as

oversman and allocate the same, and the decision of such accountant shall be final.

Allocation of debts between landward parts of counties and burghs.

53. Where any trust existing at the date of the *passing of this Act* comprises any turnpike road or highway situated within the boundary of any burgh or burghs, the trustees of the county or counties within which such road or highway is situated, and the magistrates and council or local authority of such burgh or burghs respectively, shall adjust, compromise, and determine in what proportions the debts affecting such road or highway shall be allocated and made chargeable upon such county or counties, burgh or burghs, respectively; and, on their failing to do so, such trustees shall name one person to be an arbiter, and such magistrates and council or local authorities shall name one person to be an arbiter, and the arbiters so named shall proceed forthwith to ascertain and determine the proportions in which, according to equity, and taking into consideration all the circumstances of the case, the debt aforesaid ought to be and shall be allocated and be a charge against such trustees, and such magistrates and council or local authorities respectively, and the decision of the said arbiters shall be final, and not subject to review in any manner or upon any grounds whatever; and in the event of the said arbiters not being able to agree in a decision the accountant of the Court of Session, on the application of the said trustees, or the said magistrates and council or local authorities, shall act as oversman, and allocate the same, and the decision of such accountant shall be final.

Certificate of debt to be granted to creditors.

54. The trustees, and the magistrates and council or local authority of any burgh, shall respectively subscribe and deliver to each creditor a certificate or certificates in the form or as nearly as may be in the form of schedule (A.) No. 1. hereunto annexed, signed by the chairman of such trustees or by the provost or chief magistrate of such burgh, as the case may be, and each certificate shall be entered in a register thereof to be kept by the county road clerk or by the town clerk respectively, and shall be conclusive evidence of the right of such creditor to the said debt, and may be transferred by such creditor, or any other person having right thereto for the time being, by an indorsation in the form or as nearly as may be in the form of schedule (A.) No. 2. hereto annexed, which transfer shall be entered in the said register; and the person in whose favour such indorsation is made shall acquire thereby the whole rights in regard to such debt of the creditor in whose favour such certificate was originally granted.

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Provisions for Payment of Debt.

Payment of interest.

55. The trustees shall annually investigate and determine what sum of money is requisite to pay the interest of the debt chargeable against the county for the current year, and shall impose and cause to be levied an assessment on all lands and heritages within the county at such a rate as shall be necessary to provide the aforesaid sum; and the magistrates and council or local authority in any burgh shall impose and levy annually such an assessment as may be necessary in order that the interest of such debts as are charges against the burgh shall be paid.

Trustees of counties and magistrates of burghs may resolve to pay off debt.

56. The trustees of any county may, at any special meeting held for the purpose, after notice given by special advertisement of the object of such meeting *six weeks* previously thereto, resolve, by a majority of not less than *two thirds* of their number present at such meeting, (the representatives of burghs being excluded from voting,) that the debts affecting the highways within such county, allocated and valued as herein-before provided, shall be paid and provided for; and the magistrates and council or local authority of any burgh may, at any special meeting held for the purpose, after notice given by special advertisement three weeks previously thereto, resolve that the debt or any part thereof affecting the highways within such burgh, allocated and valued as herein-before provided, shall be paid and provided for.

Assessment for payment of debt.

57. After such resolution has been agreed to by the trustees of any county, (excluding the representatives of the burghs therein,) such trustees shall impose and levy annually an assessment on the whole lands and heritages enumerated in the valuation roll of such county; and after such resolution has been adopted by the magistrates and council or local authority of any burgh, the magistrates and council or local authority of such burgh shall impose and levy annually an assessment upon the whole lands and heritages enumerated in the valuation roll of such burgh; and such assessment shall be imposed and levied in the county or burgh respectively at such rates as shall be sufficient to provide a sum equal to not less than one thirtieth part of the principal debt valued and allocated on such county or burgh respectively, and also the yearly interest on such respective debts, or the balance thereof from time to time remaining due, at a rate not exceeding five pounds per centum per annum: provided always, that all assessments for payment of debt, and for payment of interest on debt, shall be paid by the proprietor.

A.D. 1869.

Trustees and magistrates of burghs may borrow on security of assessments.

58. It shall be lawful for the trustees of any county, or the magistrates and council or local authority of any burgh, respectively, to borrow on the security of the assessments for the payment of debts to be levied under this Act within their respective bounds, or on the security of any part thereof, all or any monies required in such county or burgh for the purpose of paying off the whole or any of the debts as valued, or any part thereof, and such monies may be borrowed at any rate of interest not exceeding *five pounds* per centum per annum; and every such security may be by assignation in security in the form contained in the schedule B. (No. 1.) to this Act annexed, or to that or the like effect, and shall be duly executed, if signed, in the case of monies borrowed by the trustees, in the manner and by the person or persons herein-after appointed for the purpose, and in the case of monies borrowed by the magistrates and council or local authority of any burgh, by the chief magistrate and town clerk or person acting as town clerk in such burgh; and every such assignation in security shall be effectual for securing to the person advancing the sum of money in such deed expressed to be advanced, and to his heirs, executors, and assignees, the repayment thereof, with interest for the same, after such rate and at such time and in such manner as in such assignation in security provided; and the said assignations in security shall be numbered in the order of succession in which they are granted, and shall be entered by the clerk to the trustees or town clerk respectively, as the case may be, in a book to be called the register of "road and bridge debt securities," to be kept by them for that purpose; and every such assignation in security, and the monies secured thereby, shall be deemed to be personal property, and may and shall pass as such property passes by the law of Scotland, and shall be validly transferred by an indorsation on such assignation in security, by the person entitled thereto for the time being, of a transfer in the form or as nearly as may be in the form of the schedule B. (No. 2.) hereunto annexed; and the persons in right of such assignations in security shall be creditors upon the assessments thereby expressed to be assigned in security in an equal degree one with another, and shall not have any preference or priority other than is provided in such assignations in security under the powers of this Act.

Trustees and magistrates of burghs may borrow from Public Loan Commissioners.

59. It shall be lawful for the trustees of any county, for such county, or for the magistrates and council or local authority of any burgh, for such burgh, to make application for the advance of any sum for the purposes of this Act to the commissioners acting in the execution of the Act of the fourteenth and fifteenth of Victoria,

A.D. 1869.

chapter twenty-three, and any Act or Acts amending or continuing the same, and the said commissioners are hereby empowered, if they think fit, to make such advance, upon the security of any such assignation in security as aforesaid.

Loans to be repaid out of assessments imposed under authority of this Act.

60. The trustees of any county, and the magistrates and council or local authority of any burgh by whom any such assignation in security as aforesaid shall have been granted shall annually make payment to the creditors therein, out of the assessments coming into their hands for that purpose, of interest at a rate not exceeding five pounds per centum per annum on the sums contained in any such assignations in security, and also of such farther sum to account of the principal sum contained in such assignations in security as will extinguish the same within the currency of the assessments for extinction of debt to be levied under the powers of this Act; and the said trustees and magistrates and council or local authority of any burgh shall, by agreement with the persons advancing any money as aforesaid, determine the order of priority in which the several sums advanced shall be respectively discharged; and the trustees of each county, and magistrates and council or local authority of each burgh, so borrowing any monies, are hereby required to keep an exact and regular account of all receipts and payments in respect of principal monies borrowed as aforesaid, and the interest thereof, in a book or books separate and apart from all other accounts.

Provision for protection of lenders on security of assessments.

61. No person lending any monies as aforesaid, and taking an assignation in security for repayment thereof, executed in manner directed or allowed by this Act, and purporting to be made under the authority of this Act, shall be bound to require proof that the several provisions of this Act have been duly complied with; and it shall not be competent to any ratepayer or other person to question the validity of any such assignation in security on the ground that such provisions have not been complied with.

Trustees and magistrates may pay off loans, and borrow money for that purpose.

62. It shall be in the power of the trustees of any county, or the magistrates and council or local authority of any burgh, to require from any creditor, in a debt valued under the provisions of this Act, at any term of Whitsunday or Martinmas, on three months previous notice, an assignation or discharge of his debt valued and allocated as aforesaid, on payment to such creditor of the whole amount at which such debt has been valued, or of such balance thereof as may remain due; and in every case where any monies shall have been borrowed under the powers of this Act, it shall be lawful for the trustees, magistrates and council, or

local authority by whom such monies shall have been borrowed, to pay off the monies so borrowed, and to raise and borrow the monies necessary for that purpose, and also to repay the said last-mentioned monies, and the interest thereof, under the powers of this Act, as if such monies were borrowed under the powers herein contained, but so nevertheless that all monies borrowed shall be repaid within thirty years from the time when the assessment for the extinction of debt was first imposed by them under the provisions of this Act.

Unclaimed instalments to be consigned.

63. In case any debt or interest due thereon shall remain in the hands of the said trustees, or magistrates and council or local authority of any burgh, unclaimed by the persons entitled thereto for the period of three months after the term of Whitsunday or Martinmas at which the same respectively become payable, the trustees and magistrates of burghs shall respectively be exonered and discharged in so far as respects such debt or interest by consignation thereof in the name of the several persons entitled thereto in a bank within the county or burgh respectively.

General Provisions as to Assessments.

Terms at which assessments shall be payable.

64. All assessments imposed on lands and heritages under the authority of this Act shall be deemed and taken be for the year from the *fifteenth day of May* preceding the date of imposing the same, and shall be imposed according to the valuation of the lands and heritages in the valuation roll in force for the year in which such assessment is imposed, and the same shall be made payable on or before the *first day of January* then next ensuing; provided always, that the trustees in any county, and the magistrates and council or local authority in any burgh, may from time to time, by resolution passed at a meeting called at a month's notice by special advertisement for the purpose, vary or alter the dates aforesaid of the days from which any assessment shall be taken to run, or on which it shall become payable.

Collection of assessments.

65. All assessments imposed by the trustees under the provisions of this Act may be levied and collected by the county road collector, or such other person or persons as the trustees may from time to time appoint; provided that it shall be lawful for the trustees, if they shall see fit, to require the commissioners of supply of the county to collect the assessments upon lands and heritages imposed by the trustees under the provisions of this Act, and the commissioners of supply of the county are hereby required to cause all such

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assessments to be levied and collected, when required to do so by the trustees, and the persons charged by the commissioners of supply with the levying and collecting such assessments shall remit the same to the county or district treasurer to whom they are respectively payable, free of all expenses and at the risk of the remitters; and any portion of an assessment which shall not be so remitted within eight months from the date of the notification shall bear interest from and after such term.

Commissioners of supply to hear appeals.

66. All appeals by persons complaining that they have been improperly assessed in respect of any assessment imposed by the trustees under the provisions of this Act shall be heard and determined by the commissioners of supply of the county; and the trustees shall immediately after imposing any assessment give notice thereof, and of the day on which it is payable, to the clerk of supply; and the commissioners of supply shall fix a day, not being less than fourteen days preceding the day on which such assessment under this Act is payable, on or before which appeals by any parties complaining that they have been improperly assessed may be lodged with the clerk of supply, and another day on which such appeals may be heard.

Power to recover assessments.

67. The whole powers and rights of issuing summary warrants for recovery of the land and assessed takes shall be applicable to the assessments by this Act authorized to be imposed and levied, and sheriffs, magistrates, justices of the peace, and other judges shall grant warrant for the recovery of such assessments, in the like form and under the like penalties as is provided in regard to such land and assessed takes and other public taxes; and all assessments imposed in virtue of this Act shall, in the case of bankruptcy or insolvency, be paid out of the first proceeds of the estate, and shall be preferred to all other debts of a private nature due by the parties assessed.

Burghs may apply certain funds to maintenance of roads in lieu of assessments.

68. When in any burgh there shall be funds available, and which may be lawfully applied, for the maintenance and repair of highways therein, under the control of any magistrates and council, police commissioners, or other local authorities of any burgh, or for the payment of debt affecting any such highways, such magistrates and council, police commissioners, or other local authorities may apply such funds for such purposes in aid of the assessment authorized to be imposed by this Act; or otherwise, if such funds shall be sufficient for such purposes, the whole or such part thereof as may be necessary may be so applied, in place of making an assessment under the provisions of this Act.

Miscellaneous.

Monies to be lodged in bank.

69. All monies received by the trustees under the authority of this Act or otherwise shall, on the receipt thereof, be paid by the person receiving the same on behalf of the trustees into some incorporated or joint stock bank or branch thereof, to be for that purpose appointed by the board.

Drafts on bank account of trustees or board.

70. All cheques or drafts on the bank account kept by the trustees or board shall be signed by the treasurer and countersigned by the clerk; and the treasurer shall make no drafts on such accounts for any other purpose than the payments which shall from time to time be authorized by the board, as the same shall be notified to the treasurer by the clerk.

Drafts on bank account of district committee.

71. All sums passed by the trustees or the board to the account of any district committee shall be respectively paid into an incorporated or joint stock bank or branch thereof to be appointed by the board, and all cheques or drafts on such accounts shall be signed by the treasurer and countersigned by the clerk or by a member of the district committee.

Execution of bonds and other securities.

72. All bonds, mortgages, debentures, or other securities for money borrowed by the trustees, and all dispositions and conveyances of property belonging to the trustees, shall be signed by two of the trustees and by the clerk and treasurer, except where otherwise expressly provided; and the clerk shall keep a register of all bonds, mortgages, debentures, or other securities granted by the trustees or the board under this Act and of the transfers thereof.

Application of monies not otherwise appropriated.

73. All monies received by the trustees on account of assessments or penalties, or otherwise, for the application of which no special provision is made in this Act, shall be applied as follows:

First, in payment of the salaries and allowances of officers and servants, and the general expenses of management of the trust:

Second, in payment of the expense of maintaining, repairing, and improving the several highways:

Third, in payment of interest on the debts affecting the highways, and thereafter towards payment of the principal of such debts.

Audit of accounts and incorporation of General Turn-

74. The accounts of the trustees, board, and district committees shall be audited annually in the manner appointed by and according to the provisions of the General Turnpike Act, first and second William the Fourth, chapter forty-three, by an auditor appointed

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pike Act and Statute Labour Act.

by the board for that purpose; and an abstract of the said accounts shall be published by the board annually at least ten days before each annual general meeting; and the provisions of the said Act, and of the General Statute Labour Road Act, eighth and ninth Victoria, chapter forty-one, in so far as the same are not inconsistent with this Act, shall extend and apply to all highways.

The words "trustees under any turnpike Act" to apply to county road trustees, &c.

75. In the construction of the Act first and second William the Fourth, chapter forty-three, with reference to this Act, the words "trustees under any turnpike Act," or any similar words, shall mean and apply to the county road trustees, county road board, and any district road committee to be constituted under this Act, in so far as such application shall not be excluded by the context, or by the character or nature of the person, matter, or thing to which any of the provisions of the said Act shall relate, or by any of the provisions of this Act.

Recovery and application of penalties under this Act.

76. All penalties imposed under the provisions of this Act, for the recovery or application of which no special provision is made by this Act, shall and may be recovered and applied according to the provisions of the Act, first and second William the Fourth, chapter forty-three, or of the Act, eighth and ninth Victoria, chapter forty-one.

Court of Session shall enforce compliance with provisions of this Act.

77. In case the trustees of any county, or persons appointed or directed by them, or the magistrates and council or local authority of any burgh, or persons appointed or directed by them, or any other person, shall refuse or neglect to do what is by this Act required of them respectively, or in case any obstruction shall arise in the execution of any of the provisions of this Act, it shall be lawful for any person whose interests may be in any way affected thereby to apply by summary petition to the Court of Session in either of the divisions thereof, or, during the vacation of the said court, to the lord ordinary on the bills, which court and lord ordinary are hereby authorized and required to do therein as to such court or lord ordinary shall seem just and necessary for the execution of the purposes of this Act.

Application of this Act.

Act not to apply to certain counties, but may be adopted in such counties.

78. This Act shall not apply to any county in which the levying of tolls and pontages and the exaction of statute service or payment in money by way of conversion thereof has been abolished by a local Act of Parliament applicable to such county, unless and until this Act shall be adopted in such county; and it shall be lawful for any such county, on a resolution to that effect agreed to by

not less than two thirds of the trustees or other persons in whom the property and management of the turnpike roads and highways in such county are vested, at a meeting called by special advertisement for the purpose, to adopt this Act, in place of the local Acts at present existing and in force in such county regarding the turnpike roads and highways situated therein; and the convener of any such county as aforesaid, on a requisition to that effect, signed by any three of the trustees or other persons in whom the turnpike roads and highways in such county are vested, being presented to him, shall call a meeting of the said trustees and other persons, with a view to come to a resolution as to the adoption of this Act, and in the event of a resolution to adopt this Act being passed by a majority of not less than two thirds of those present and voting at such meeting, the date of such meeting shall be held to be the date of the passing of this Act with respect to such county, and in the event of a resolution to adopt this Act not being carried by a majority of two thirds at such meeting as aforesaid, it shall not be lawful to call another meeting with a view to the adoption of this Act for one year thereafter.

SCHEDULE (A.) No. 1.

I, A.B., under "The Roads and Bridges (Scotland) Act, 1869," certify that [*name and designation of creditor*] is a creditor in road and bridge debt [*or* statute labour debt, *as the case may be,*] in respect of monies lent to or for behoof of [*specify the particular trust in the case of turnpike debt, and the district or parish in the case of statute labour debt*], valued at the sum of , whereof I have allocated on the landward part of the county of [*or* burgh of , *as the case may be,*] the sum of all in terms of the provisions of the said Act.

Witness my hand, this day of 18

(Signed) *A.B.*

SCHEDULE (A.) No. 2.

I [*A.B.*] transfer to [*C.D.*] my whole right and interest under this certificate.

(Signed) *A.B.*

SCHEDULE (B.) No. 1.

BY virtue of an Act passed in the and year of the reign of Her Majesty Queen Victoria, intituled [*here insert the title of the Act*], we, the trustees of the county of , acting under the said Act as representing the said county, [*or* the lord provost, *or* chief magistrate, *as the case may be*, and clerk of the burgh of as representing the said burgh,] grant us to have borrowed and received from [*name and designation of lender*] the sum of pounds for the payment of valued road and bridge debt allocated on the landward part of the county of [*or* burgh of *as the case may be,*] under the provisions of the said Act. In consideration whereof we assign to the said [*name of lender*],

his heirs, executors, and assignees, all the assessments to be raised and paid within the landward part of said county [*or* within the said burgh, *as the case may be,*] for the payment and extinction of debt under the provisions of the said Act, in security of the repayment of the said sum of pounds, and of the interest thereof after the rate of pounds per centum per annum from the day of until payment, which sum is to be repayable, with the interest at the rate foresaid, as follows; [*state the terms of repayment according to the arrangement.*] And we consent to registration. In witness whereof [*insert testing clause in common form*].

SCHEDULE (B.) No. 2.

I [*name and designation*], in consideration of the sum of pounds, transfer to [*name and designation*], and his heirs, executors, and assignees, an assignation in security, numbered [*insert the number of the assignation*], and dated [*insert date*], granted by the trustees of the county of acting under the Roads and Bridges (Scotland) Act, 1869, [*or* by the provost *or* chief magistrate and clerk of the burgh of , *as the case may be*], for [*insert the stipulated annual payment and duration thereof*], from the day of . And I consent to registration. In witness whereof [*insert testing clause in common form*].

Roads and Bridges (Scotland).

A

B I L L

To provide for the Consolidation of Trusts, the Appointment of County Road Trustees, the Abolition of Tolls and Statute Labour, and the Maintenance of Public Roads and Bridges by Assessment, in Scotland.

(*Prepared and brought in by*
The Lord Advocate and
Mr. Solicitor General for Scotland.)

Ordered, by The House of Commons, *to be printed,*
9 *July* 1869.

[Bill 207.]

Under 3 *oz.*

A

B I L L

FOR

Further regulating the sale of fermented and distilled liquors by retail on Sunday in Ireland. A.D. 1869.

WHEREAS in Ireland restrictions on the opening of houses for the sale, and on the sale and on the consumption in certain houses, of spirits, cider, wine, and beer, during certain hours on Sunday, Good Friday, and Christmas Day, have been imposed by various Acts of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

1. This Act may be cited for all purposes as the "Sale of Liquors on Sunday (Ireland) Act, 1869." Short title.

2. The word "town" in this Act means,— Interpretation:

1. Any corporate town; and
2. Any town containing a population of five thousand inhabitants or upwards, as ascertained by the last population return made pursuant to Act of Parliament, and in which there shall be— "Town:"

Commissioners acting under the Act ninth of George the fourth, chapter eighty-two.

3. From and after the *passing of this Act*, it shall not be lawful for any person licensed to sell beer, ale, cider, wine, or spirits, or any other fermented or distilled liquor, whether to be drunk on the premises or not to be drunk on the premises, to open or keep open any house, shop, or other place for the sale of or to sell beer, ale, cider, wine, or spirits, or other fermented or distilled liquor, except to a traveller, or a lodger therein, at any time on Sunday, Good Friday, or Christmas Day, except between the hours following; that is to say, Restriction on sale of liquors on Sunday, &c.

Between the hours of *two o'clock* and *nine o'clock* of the afternoon in any town; and

Between the hours of *two o'clock* and *seven o'clock* of the afternoon in any rural district.

A.D. 1869.

Power to magistrates to give to keepers of hotels and inns in rural districts permission to keep open and to sell between 7 and 9 o'clock, P.M.

4. It shall be lawful for the magistrates assembled at petty sessions for the district in which any hotel or inn may be situate to grant permission to any person keeping such inn or hotel to open and keep open such inn or hotel for the sale and to sell beer, ale, cider, wine, and spirits, and other fermented and distilled liquors, between the hours of *seven* and *nine* in the afternoon on Sunday, Good Friday, and Christmas Day, in any rural district: provided always, that such permission shall only be granted on the application of the keeper of such inn or hotel, and that a fortnight's notice at the least of the intention to make such application shall have been given in writing to the clerk of petty sessions of the district in which such inn or hotel is situate, who shall forthwith give notice to each magistrate in such district that such application is intended to be made.

Length of time during which permission shall be in force, and power to revoke the same.

5. Any permission given in pursuance of the last section of this Act shall be in force only for such time (not exceeding one year) as the magistrates think fit, and may be revoked by the magistrates assembled at petty sessions for the district in which the same shall have been granted, on the application of any person who shall show cause to their satisfaction why the same should not be continued: provided always, that a fortnight's notice at the least of the intention to make such application shall have been given in writing to the clerk of petty sessions of the said district, who shall forthwith give notice to each magistrate in such district that such application is intended to be made.

Power to governing body further to restrict sale of liquor on Sunday, &c.

6. The governing body of any town may, by a resolution, declare that for the purposes of this Act such town shall be deemed to be and shall be a rural district, and thereupon all the provisions of this Act shall be applicable to and shall be in force and effect within the limits of such town, as if the same were a rural district.

Resolution.

7. Any resolution by the governing body of any town for the purposes aforesaid shall not have effect unless the same has been agreed to by the governing body in some meeting whereof special notice has been given, and has been confirmed in a subsequent meeting held not sooner than four weeks after the preceding meeting, and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings in some newspaper circulating within the limits of the town, and of which special notice in writing has been given to each member of the governing body, nor until the expiration of one month after the date of such second meeting: provided always, that

during such month such resolution shall be advertised once at least in each week in some newspaper circulating within the limits of such town, and public notice thereof shall also be given by means of placards posted in public places within the said limits; and if before the expiration of such month a remonstrance in writing against carrying into effect such resolution, signed by a majority of the ratepayers having votes in the election of the governing body, be presented to the governing body, such resolution shall be null and void and shall not have effect.

Penalty for offences against this Act.

8. Every person who shall offend against this Act shall be liable, upon a summary conviction for the same before any justice of the peace for the county, riding, division, liberty, city, borough, police district, or place where the offence shall be committed, to a penalty not exceeding *five pounds* for every such offence, and every separate sale shall be deemed a separate offence.

Sale of Liquors on Sunday (Ireland).

A

B I L L

For further regulating the sale of fermented and distilled liquors by retail on Sunday in Ireland.

(Prepared and brought in by Major O'Reilly, Mr. Pim, and Mr. Peel Dawson.)

Ordered, by The House of Commons, *to be Printed,* 1 *March* 1869.

[Bill 29.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Salmon Fishery (Ireland) Act, 1863," and the Acts continuing the temporary provisions of the same. A.D. 1869.

WHEREAS by "The Salmon Fishery (Ireland) Act, 1863," it was, amongst other, enacted, that the offices of the Special Commissioners for Irish Fisheries, appointed under the provisions of the said Act, and all powers, rights, and privileges pertaining thereto, should continue in force for two years only, and from thenceforth until the end of the next session of Parliament, and that on the determination of the office of the said special commissioners all powers and duties transferred to, vested in, or imposed on them by the said Act should be transferred to and vested in two permanent inspectors of fisheries, to be appointed by and to be subject to the control of the Lord Lieutenant of Ireland:

And whereas by the several Acts mentioned in the schedule to this Act annexed the duration of the office of the said special commissioners was from time to time continued until the first day of August one thousand eight hundred and sixty-nine:

And whereas Her Majesty, by warrant under the royal sign manual, bearing date the thirtieeth day of January one thousand eight hundred and sixty-nine, did revoke and determine the appointment of the persons who then were "the Special Commissioners for Irish Fisheries:"

And whereas doubts have arisen as to whether the power of appointing permanent inspectors of fisheries in the manner provided by the said "Salmon Fishery (Ireland) Act, 1863," can now be exercised:

And whereas it is expedient to remove such doubts and also to amend "The Salmon Fishery (Ireland) Act, 1863," and the Acts continuing the temporary provisions of the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

[Bill 56.]

A.D. 1869.

Short Title.

1. This Act may be cited for all purposes as "The Salmon Fishery (Ireland) Act, 1869."

Power to appoint two permanent inspectors.

2. From and after *the passing of this Act* it shall be lawful for the Lord Lieutenant of Ireland to appoint two permanent inspectors of fisheries, notwithstanding anything in the said "Salmon Fishery (Ireland) Act, 1863," and the Acts mentioned in the schedule to this Act annexed, to the contrary; and when any vacancy shall in any manner arise in the office of such inspector it shall be lawful for the Lord Lieutenant to appoint a person to fill such vacancy.

Powers of commissioners transferred to inspectors.

3. All powers and duties transferred to, vested in, or imposed upon the said Special Commissioners under and by virtue of "The Salmon Fishery (Ireland) Act, 1863," shall be transferred to and vested in the inspectors of fisheries appointed under this Act.

Lord Lieutenant, with consent of Treasury, to fix salaries, &c. and appoint additional officers.

4. It shall be lawful for the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, to fix such salaries as he may think fit for the inspectors appointed under this Act, and also, with the like approval, to appoint such additional officers, clerks, and servants, at such salaries as he may think proper and necessary, and from time to time to dismiss such officers, clerks, and servants, and appoint others in their place.

SCHEDULE.

Expiring Laws Continuance Act, 1865.
Expiring Laws Continuance Act, 1866.
Expiring Laws Continuance Act, 1867.
Expiring Laws Continuance Act, 1868.

Salmon Fisheries (Ireland).

A

BILL

To amend "The Salmon Fishery (Ireland) Act, 1863," and the Acts continuing the temporary provisions of the same.

(*Prepared and brought in by Mr. Attorney General for Ireland and Mr. Chichester Fortescue.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1869.

[Bill 56.]

Under 1 *oz.*

Salmon Fisheries Law Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
2. Construction of Act.
3. Certificate proof of compliance with Act.
4. Proof of legality of scale of licences.
5. Alteration in numbers of boards of conservators.
6. Union of fishery districts.
7. Prohibition of fishing for salmon within one hundred yards of a dam.
8. Power to place gratings across the tail race of mills.
9. Permission to sell salmon caught between 3d of September and 2d of February where close time has been varied.
10. Prohibition of setting engines to catch eels during certain months.
11. Amendment of sects. 11 and 18 of 24 & 25 Vict. c. 109. and sects. 26 and 34 of 28 & 29 Vict. c. 121.
12. Rules as to licences.
13. Amendment of sect. 24 of "The Salmon Fishery Act, 1865."
14. Inspector to have access to dams, weirs, &c.
15. Persons fishing illegally at night may be apprehended.
16. Power of entry to water bailiffs and conservators.
17. Application of money produced by licences.
18. Extension of the provisions of Salmon Fishery Act.
19. Penalty on selling trout and char in close time.
20. Conservators may make regulations as to size and description of nets.

A

B I L L

TO

Amend the Laws relating to Salmon Fisheries in England. A.D. 1869.

WHEREAS it is expedient to amend the Laws relating to Salmon Fisheries in England:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as "The Salmon Fishery Act, 1869," and this Act and "The Salmon Fishery Acts, 1861 and 1865," may be cited together as "The Salmon Fishery Acts, 1861, 1865, and 1869."

Construction of Act.

2. This Act, so far as is consistent with the tenor thereof, shall be read as one with "The Salmon Fishery Acts, 1861 and 1865."

Certificate proof of compliance with Act.

3. The certificate of one of Her Majesty's Principal Secretaries of State, in relation to the formation of a fishery district granted in pursuance of the fifth section of the Salmon Fishery Act, 1865, shall be evidence that all the requisitions contained in the said Act relating to the formation of a fishery district have been complied with, and that such district has been duly formed with the limits and in manner specified in such certificate.

Proof of legality of scale of licences.

4. The provisions of the "Documentary Evidence Act, 1868," shall apply to a scale of licences approved by one of Her Majesty's Principal Secretaries of State in pursuance of the said Salmon Fishery Act, 1865, in the same manner as if such scale so approved as aforesaid were an order or regulation issued by such Secretary of State, and the production of a copy of such scale of licences purporting to be certified to be a correct copy of such scale by any person empowered to certify the same in pursuance of the said Documentary Evidence Act shall be evidence that such scale has been approved of and that all the steps required by the Salmon Fishery Act, 1865, relating to the formation and approval of such scale have been taken.

A.D. 1869.

Alteration in numbers of boards of conservators.

5. One of Her Majesty's Principal Secretaries of State may, on the application of any board of conservators of any fishery district, from time to time add to or diminish the number of conservators to be appointed for such district after giving one month's previous notice of his intention to make the same by advertisement in some newspaper published or circulated within the district, and, when the alteration has been made, notice thereof shall be published in such newspaper as aforesaid. The production of a copy of a newspaper containing a notice that the alteration has been made shall be evidence of such alteration, and that the conditions of this section in relation thereto have been complied with.

Union of fishery districts.

6. Two or more fishery districts may be united upon the application or with the consent of the board of conservators of every district brought into union. Such union shall be effected by a certificate of one of Her Majesty's Principal Secretaries of State after not less than three months previous notice of his intention to make such union has been given by advertisement in some newspaper or newspapers published or circulated within each of the districts so united, and when such union has been effected notice thereof shall be published in such newspaper or newspapers as aforesaid. The production of a copy of a newspaper containing a notice that the union has been made shall be evidence of such union, and that the conditions of this section in relation thereto have been complied with.

Prohibition of fishing for salmon within one hundred yards of a dam.

7. No person shall catch or attempt to catch (except by a rod and line) any salmon at or within one hundred yards above or below any dam, unless such dam is a fishing weir having a legal free gap therein, or a dam having such a free gap therein as would be required if it were a fishing weir; and if any person acts in contravention of this section:

(1.) He shall incur a penalty not exceeding *two pounds* for each offence, and a further penalty not exceeding *one pound* for every salmon so caught:

(2.) He shall forfeit all salmon caught in contravention of this section, and all nets or other instruments used or placed for catching the salmon:

Provided that where a fish pass approved by the Home Office in pursuance of the twelfth section of the Salmon Fishery Act, 1861, has been attached to such dam previously to the passing of this Act, this section shall not be enforced in respect of such dam until compensation has been made by the conservators of the district to the person who caused such fish pass to be made, or to his represen-

tatives or assigns, for any expense which may have been incurred in making or maintaining the same, such compensation to be settled in case of dispute in manner in which disputed compensation as to land is directed to be settled under the Lands Clauses Consolidation Act, 1845. A.D. 1869.

Power to place gratings across the tail race of mills.

8. The conservators of any district may place a grating across the tail race of any mill, provided that such grating do not interfere with the mill wheel, and they may also place a grating across any artificial channel for whatever purpose it may be used, provided that it do not interfere with the supply of water to any mill. Any gratings placed in pursuance of this section may be removed after the *first of June* in each year; but this section shall not affect the provisions of the thirteenth section of the Salmon Fishery Act, 1861.

Permission to sell salmon caught between 3d of September and 2d of February where close time has been varied.

9. Whereas power is given by the Salmon Fishery Act, 1861, to the Home Office to vary the time during which it is lawful to take salmon: Be it enacted, That, notwithstanding anything contained in the said Salmon Fishery Act, any person may buy, sell, or expose for sale, or have in his possession for sale, any salmon taken in any district during such time as it is lawful to catch the same by net in such district, subject to the proviso that the burden of proving any fresh salmon which is sold or exposed for sale or in the possession of any person for sale between the *third day of September* and the said *second day of February* to have been taken during such time within such district shall be on the person selling or exposing the same for sale, or having the same in his possession for sale.

Prohibition of setting engines to catch eels during certain months.

10. The proprietor of any box, grating, basket, trap, or other fixed engine for catching eels, used in any salmon river, shall cause the same to be removed between the *first of January* and the *first of July* in each year; and if any proprietor omits to remove in manner aforesaid any engines hereby required to be removed he shall forfeit all such engines, and shall incur a penalty not exceeding two pounds for every day between the *first of January* and the *first of July* in each year during which he suffers such engines to remain unremoved.

Amendment of sects. 11 and 18 of 24 & 25 Vict. c. 109. and sects. 26 and 34 of 28 & 29 Vict. c. 121.

11. The following sections of "The Salmon Fishery Act, 1861," and "The Salmon Fishery Act, 1865," shall respectively be amended in the following manner; (that is to say,)

(1.) The eleventh section of "The Salmon Fishery Act, 1861," shall be construed as if the words "or for the purpose

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" of facilitating the catching of" were inserted after the words "used for catching :"

(2.) The eighteenth section of "The Salmon Fishery Act, 1861," shall be construed as if the words "vary or extend the "close time" were substituted therein for the words "vary the close time :"

(3.) The twenty-sixth section of "The Salmon Fishery Act, 1861," shall be construed as if the words "where a fish "pass is attached to any dam in pursuance of this Act" were omitted, and the words "any dam" were substituted for the words "the dam," and the words "if any or over "the dam" were inserted after the words "the fish pass :"

(4.) The twenty-sixth section of "The Salmon Fishery Act, 1865," shall be construed as if the words "or by the chairman "of the next meeting of the said board" were substituted for the words "either at the meeting of the board at "which such proceedings took place, or at the next "ensuing meeting of the board at which such person "may be present."

Rules as to licences.

12. There shall be repealed so much of the thirty-fourth section of the Salmon Fishery Act, 1865, as provides "that licences for "fishing weirs, fishing mill dams, putts, putchers, nets, or other such "instruments or devices as aforesaid shall be available only for the "use of the persons, within the districts, and in respect of the "instruments and devices of whom or for whose use, within and "in respect of which the same are respectively granted," and in place thereof be it enacted as follows :—

(1.) Licences for fishing weirs, fishing mill dams, putts, putchers, and other fixed instruments or devices for catching salmon shall be available only for the use of the persons to whom they are granted and for the employment of such instruments and devices as are named and described therein :

(2.) Licences for nets or other moveable instruments or devices for catching salmon shall be used only by the person to whom they are granted or his servants and with respect to the instrument for which they are granted, and no person shall be deemed to be a servant of a licensee for the purposes of this section unless his name is endorsed on the licence by the clerk or water bailiffs of the conservators, and it shall be the duty of the conservators to make arrangements for facilitating the endorsement of

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the names of servants of licensees by their clerk or water bailiffs, and if any clerk or water bailiff refuses, on the application of the licensee, to endorse thereon the name of any person proved to be the servant of such licensee, such clerk or water bailiff shall be subject to a penalty not exceeding one pound. No fee shall be payable in respect of the endorsement of the name of any servant on a licence in pursuance of this section, and if any person procure his own name or the name of any other person to be endorsed on a licence by false representation, such person shall incur a penalty not exceeding *five pounds*. A licensee shall not be entitled to have endorsed on his licence the names of servants exceeding in number double the number of persons required to work the net or instrument or device in respect of which the licence is granted. Any licensee may from time to time cause the name of any servant to be removed from his licence, and if he so require another name of a servant to be substituted in his stead by the clerk or water bailiffs.

Amendment of sect. 24 of "The Salmon Fishery Act, 1865."

13. Where in pursuance of the twenty-fourth section of "The Salmon Fishery Act, 1865," an application is made to the Home Office in respect of the close time in a salmon river, the Home Office may entertain such application if proof is given that notice thereof has been published in every county within the district of such board of conservators by advertisement once at least in each of four successive weeks in some local newspaper, and no other notice or publication shall be required for the purposes of such application.

Inspector to have access to dams, weirs, &c.

14. The inspectors of salmon fisheries appointed by the Home Office in pursuance of the Salmon Fishery Act, 1861, and the Acts continuing the same, or either of such inspectors, may at all reasonable times examine any dam, fishing weir, fishing milldam, or fixed engine, or any artificial watercourse connected with any salmon river; and any owner or occupier of any such dam, weir, engine, or watercourse refusing to any inspector access thereto shall be liable to a penalty for each offence not exceeding *five pounds*.

Persons fishing illegally at night may be apprehended.

15. If any person between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise of the following morning illegally takes or kills salmon, or is found on or near any salmon river with intent illegally to take or kill salmon, or having in his possession for the capture of salmon any instrument prohibited by the Salmon Fishery Acts, 1861,

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1865, or either of them, or by this Act, it shall be lawful for any person having the right of fishing in such river, and also for any gamekeeper and servant of such person, and any water bailiff or officer of the conservators, together with any assistants, to seize and apprehend any such offender without warrant, and to deliver him as soon as may be into the custody of a peace officer, in order to his being conveyed before two justices of the peace for the purpose of being convicted in the penalty assigned for his offence; and in case such offender resists any person hereby authorized to seize and apprehend him he shall be liable to a further penalty not exceeding *five pounds*, and if in making such resistance, or otherwise, he uses offensive weapons, or does any bodily injury to such person as last aforesaid, he shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be sentenced to penal servitude for such term as is prescribed by the Penal Servitude Act, 1864, as the least term to which an offender can be sentenced to penal servitude, or to be imprisoned for any term not exceeding *two years*, with or without hard labour.

Power of entry to water bailiffs and conservators.

16. The time during which any justice of the peace, in pursuance of the thirty-first section of "The Salmon Fishery Act, 1865," may authorize the entry of any conservator or water bailiff on any land situate on or near to a salmon river, shall be extended from twenty-four hours to one month; and the said section of "The Salmon Fishery Act, 1865," shall be read as if the words "*one month*" were therein substituted for the words "twenty-four hours."

Application of money produced by licences.

17. The conservators of a district may expend any monies in their hands arising from licences in any manner they may think most conducive to the improvement of the salmon fisheries within their district.

Extension of the provisions of Salmon Fishery Act.

18. The sixty-fourth section of the Salmon Fishery Act, 1865, shall apply to char in a fishery district in the same manner as if the word "trout" in that section included char, and no person shall fish for, catch, or attempt to catch or kill any trout or char otherwise than by a rod and line in any salmon river, during the time when it is prohibited to take salmon by nets in such river.

Any person who shall fish for, catch, or attempt to catch or kill any trout or char in contravention of this section shall forfeit any trout or char caught by him, and shall, in addition thereto, be liable to a penalty not exceeding *two pounds* for each offence.

Penalty on selling trout and char in close time.

19. No person shall buy, sell, or expose for sale any trout or char between the *third day of November* and the *second day of*

February following; and any person acting in contravention of this section shall forfeit any trout or char so bought, sold, or exposed for sale, or in his possession for sale, and shall incur a penalty not exceeding two pounds for each such fish; but this section shall not apply to any person buying, selling, or exposing for sale, or having in his possession for sale, any trout or char cured, potted, pickled, or dried, or to any trout or char caught beyond the limits of the Salmon Fishery Acts, 1861, 1865, and of this Act; nevertheless the burden of proving any fresh trout or char that is sold or exposed, or in the possession of any person for sale, between the said *third day of November* and the said *second day of February*, to have been caught beyond the limits of the said Salmon Fishery Acts, shall lie on the person selling or exposing the same for sale, or having the same in his possession for sale.

Conservators may make regulations as to size and description of nets.

20. Notwithstanding anything in the said Salmon Fishery Acts, 1861, 1865, contained, the board of conservators of any district may, with the approval of one of Her Majesty's Principal Secretaries of State, make regulations for the following purposes:

1. For determining the description, size, and length of the nets to be used in fishing for salmon in such district during the whole or any portion of the fishing season, and as to the size of the meshes of such nets, so that the dimensions of the mesh of a net with which it is lawful to take salmon shall not be more than three inches nor less than one inch and a half from knot to knot, as measured when wet.
2. For determining the manner of using nets for catching salmon throughout the whole or any portion of such district.
3. For varying the rate of licence duty to be charged for different instruments for catching salmon in different parts of the same district: Provided that no greater sum shall be charged with respect to any instrument than is specified in the schedule of the Salmon Fishery Act, 1861.
4. For determining the day and the hour at which the weekly close time shall commence in such district, or in any portion of such districts, so that any close time so determined shall in no case exceed forty-eight hours.
5. For attaching marks or labels to licensed nets, and numbering fishing boats, or adopting such other efficient means as may enable the officers of the board to identify such nets and boats.
6. For improving, protecting, and regulating the salmon fishing within the district, so that such regulations are not inconsis-

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tent with the provisions of this Act or of the Salmon Fishery Acts, 1861 and 1865, or either of them.

The approval of one of Her Majesty's Principal Secretaries of State to any such regulation shall not be given until an inquiry into the expediency of such regulation has been made by one of the inspectors of salmon fisheries, and such inquiry shall be held after not less than one week's notice has been given of it and of the time and place of it by advertisement, and it shall be open to all persons to attend such meeting.

Notice of each such regulation, when made and approved, shall be given by publication once at least in each of four successive weeks in some newspaper circulating in the district in which it is to take effect, and from and after such publication any person acting in contravention of such regulation shall be liable to a penalty not exceeding five pounds for each offence.

The production of a copy of such newspaper purporting to contain such regulation shall be sufficient evidence that the same was duly made, and of the terms thereof.

Salmon Fisheries Law Amendment.

A

B I L L

To amend the Laws relating to Salmon Fisheries in England.

(Prepared and brought in by Mr. Ratchbull-Hugessen and Mr. Secretary Bruce.)

Ordered, by The House of Commons, *to be Printed,* 13 *May* 1869.

[Bill 130.]

Under 2 oz.

A

B I L L

TO

Facilitate the borrowing money in certain cases for the purpose of The Sanitary Act, 1866, and the Acts amending the same; and for other purposes. A.D. 1869.

WHEREAS by the Sanitary Act, 1866, the Sewage Utilization Act, 1867, and the Sanitary Act, 1868, one of Her Majesty's Principal Secretaries of State is empowered, in case of any sewer authority, local board, or nuisance authority making default in performing their duty in relation to the sanitary matters therein mentioned, to appoint a person to perform the same, and it is by the said Acts provided that the person so appointed should be invested in the performance of his duties with all the powers of the authority in default, and that the expenses of the performance of such duties shall be a debt due from the authority in default and repayable out of any local rate levyable by them:

And whereas it is expedient to give further facilities to the said Secretary of State in carrying into effect the provisions of the said Act:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited as "The Sanitary Loans Act, 1869."

Application of Act.

2. This Act shall not extend to Scotland or Ireland.

Definition of "local authority."

3. "Sewer authority," "local board," and "nuisance authority" shall have the same meaning as they respectively have in the Sanitary Act, 1868, and "local authority" shall include all the said authorities.

"Local rate" shall have the same meaning as it has in the eighth section of the Sanitary Act, 1868.

[Bill 244.]

A.D. 1869.

Certificate of Secretary of State as to expenses and loans.

4. One of Her Majesty's Principal Secretaries of State may, from time to time, certify under his hand the amount of expense that has been incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Secretary of State for the purpose of performing the duty of a defaulting local authority; he may also, from time to time, certify under his hand the amount of any loan required to be raised for the purpose of defraying any expense that may have been so incurred, or is estimated as about to be incurred; and the certificate of the said Secretary of State shall be conclusive as to the matters to which it refers.

Power of Secretary of State to borrow money for sanitary purposes.

5. Whenever the said Secretary of State certifies any loan to be required for the purpose of defraying any expenses incurred or to be incurred in the performance of the duty of a defaulting local authority, the Public Works Loan Commissioners, as defined for the purposes of the Public Works Loan Act, 1853, may, in manner and subject to the provisions of the said Act, and the other enactments relating to the said Commissioners and applicable to the case, advance to the said Secretary of State, or to any person appointed by him as aforesaid, the amount of the loan so certified to be required on the security of the local rate, without requiring any other security, and the said Secretary of State, or the person so appointed as aforesaid, may, by any instrument under his hand, charge the local rate with the repayment of the principal and interest due in respect of such loan, and any such charge shall have the same effect as if the defaulting local authority were empowered to raise such loan on the security of the local rate, and had duly executed an instrument charging the same upon the local rate; and the certificate of the Secretary of State certifying any loan to be required or appointing a person to perform the duty of a defaulting local authority shall be taken as conclusive evidence that all the requirements of the forty-ninth section of the Sanitary Act, 1866, and of any other enactment relating thereto have been duly complied with, and that the person appointed to perform the duty of the defaulting local authority has been duly appointed.

Remedy for principal and interest.

6. Any principal money or interest for the time being due in respect of any loan under this Act made for payment of the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority shall be taken to be a debt due from such authority, and, in addition to any other remedies, may be enforced in the manner in which a debt due from a defaulting authority may be enforced in pursuance of the said eighth section of the Sanitary Act, 1868.

Application of surplus of loan.

7. If the amount of any loan raised for defraying the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority is not wholly expended in defraying such expenses, the overplus (if any), the amount to be ascertained by a certificate of the Secretary of State, shall be paid to or to the order of the defaulting authority.

Secretary of State may change person performing duties of local authority.

8. The said Secretary of State may from time to time, by order under his hand, change the person appointed by him to perform the duty of a defaulting local authority.

Power of Secretary to order payment.

9. The Secretary of State may make order for the payment of the costs of all inquiries or proceedings directed by him in pursuance of the Local Government Act, 1858, the Sanitary Acts, 1866, 1868, the Sewage Utilization Acts, 1865, 1867, or any of such Acts, and as to the parties by whom or the rates out of which such costs shall be borne; and such orders may be enforced in the same way as orders for costs of appeals under the eighty-first section of the Local Government Act, 1858.

Definition of expenses.

10. "Expenses" for the purposes of this Act shall include all sums payable by or by the order of the Secretary of State, or the person appointed by him, on the occasion of a default being made by any local authority in the performance of its duties in relation to sanitary matters.

Sanitary Act (1866) Amendment.

A

B I L L

To facilitate the borrowing money in certain cases for the purpose of The Sanitary Act, 1866, and the Acts amending the same; and for other purposes.

(*Prepared and brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.*)

Ordered, by The House of Commons, *to be Printed*, 28 *July* 1869.

[Bill 244.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Sanitary Act, 1866," so far as the same relates to Ireland. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

"Nuisances Removal Acts" in Sanitary Act, 1866, to include 26 & 27 Vict. c. 117. in application to Ireland.

1. In the application of "The Sanitary Act, 1866," to Ireland, the term "Nuisances Removal Acts" shall be deemed to include and shall include "The Nuisances Removal Act for England (Amendment) Act, 1863."

Sanitary Act (1866) Amendment (Ireland).

A

BILL

To amend "The Sanitary Act, 1866," so far as the same relates to Ireland.

(*Prepared and brought in by Mr. Attorney-General for Ireland and Mr. Chichester Fortescue.*)

Ordered, by The House of Commons, *to be Printed*, 3 *August* 1869.

[Bill 261.]

Under 1 *oz.*

A

B I L L

TO

Amend the Laws relating to the Investments for Savings Banks and Post Office Savings Banks. A.D. 1869.

WHEREAS under the Acts mentioned in the first schedule to this Act annuities of the amounts and terminable at the periods mentioned in that schedule have been created in lieu of capital stocks of annuities held by the Commissioners for the Reduction of the National Debt, on account of the savings banks and post office savings banks respectively, and such annuities stand in the books of the Governor and Company of the Bank of England on the accounts mentioned in the said schedule:

And whereas the payment of such annuities is now made at half-yearly periods, and it is expedient that they should be cancelled, and terminable annuities payable at various periods during the year should be substituted for them:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the "Savings Bank Investment Act, 1869." Short Title.

2. The Commissioners of Her Majesty's Treasury by warrant under their hands from time to time may direct the Governor and Company of the Bank of England to cancel in their books the annuities mentioned in the first schedule to this Act, and in place of such annuities may create and direct the said Governor and Company to inscribe in their books for the Commissioners for the Reduction of the National Debt for savings banks and Post Office savings banks respectively, equivalent annuities terminable at such date, not later than the *fifth of July one thousand eight hundred and eighty-five*, as the Commissioners of Her Majesty's Treasury may think expedient. Cancellation of terminable Annuities and creation of new annuities.

A.D. 1869.

Annuities cancelled.

3. Upon the issue of any such warrant the annuities therein directed to be cancelled shall, after the date thereof, be cancelled accordingly, and all payments in respect thereof shall thenceforth cease to be payable.

Charge of annuities on Consolidated Fund.

4. Upon the issue of any such warrant the annuities thereby created shall after the date thereof be charged upon the Consolidated Fund, and shall be payable to the Commissioners for the Reduction of the National Debt out of the Consolidated Fund, or out of the growing produce thereof yearly, or half yearly, at such times in each year as may be fixed by such warrant, or as may be from time to time fixed by any subsequent warrant of the Commissioners of Her Majesty's Treasury.

Warrant authority for Bank of England.

5. The warrants of the Commissioners of Her Majesty's Treasury issued under the authority of this Act shall be a sufficient authority to the Governor and Company of the Bank of England for doing the things thereby directed to be done for the purposes of this Act, and copies of such warrants shall be laid before both Houses of Parliament, if Parliament is then sitting, within ten days after the respective dates thereof, and, if not sitting, within ten days after the next meeting of Parliament.

Amount of annuities how ascertained.

6. The amount of the equivalent annuities so to be created shall be certified to the Commissioners of the Treasury under the hands of the Comptroller General or Assistant Comptroller, and of the actuary of the National Debt Office acting under the said Commissioners for the Reduction of the National Debt.

Investment of surplus annuities.

7. The Commissioners for the Reduction of the National Debt shall apply from time to time such parts of any terminable annuities created under the authority of this Act as are not for the time being required to pay the demands of the trustees of savings banks in the purchase of such securities as the Commissioners for the Reduction of the National Debt are for the time being by law empowered to purchase with other moneys received from savings banks.

Repeal.

8. The Acts specified in the second schedule to this Act are hereby repealed, to the extent therein mentioned, as from the date therein mentioned, subject and without prejudice to anything already done thereunder.

SCHEDULES.

A.D. 1869.

FIRST SCHEDULE.

Annuities.

On account of the Fund for the Banks for Savings.

Created under	Amount.	When terminable.
	£ s. d.	
26 & 27 Vict. c. 25. - -	315,017 0 0	5th April 1885.
29 & 30 Vict. c. 5. - -	171,544 0 0	Do.
30 & 31 Vict. c. 26. - -	445,675 0 0	Do.
30 & 31 Vict. c. 26. - -	1,315,203 0 0	5th July 1885.

On account of the Post Office Savings Bank Fund.

29 & 30 Vict. c. 5. - -	163,414 7 0	5th April 1885.

SECOND SCHEDULE.

Date of Act.	Title.	Extent of Repeal.
26 & 27 Vict. c. 25.	An Act to make further provision for the Investment of the Monies received by the Commissioners for the Reduction of the National Debt from the Trustees of Savings Banks established under the enactments of the Act 9 Geo. 4. c. 92.	Sections one and four as from the passing of this Act, and section two as from the date of any warrant cancelling the annuities.
29 & 30 Vict. c. 5.	An Act for amending the laws relating to the Investments on account of Savings Banks and Post Office Savings Banks.	So much as relates to the capital stock of two million five hundred thousand pounds as from the date of any warrant cancelling the annuities created in lieu thereof.
30 & 31 Vict. c. 26.	An Act to provide for the conversion of twenty-four million pounds sterling of the National Debt into Terminable Annuities.	The whole Act as from the date of any warrant cancelling the annuities created under that Act.

Savings Banks and Post Office Savings Banks.

A

B I L L

To amend the Laws relating to the Investments for Savings Banks and Post Office Savings Banks.

(*Prepared and brought in by Mr. Dodson, Mr. Stansfeld, and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 7 *July* 1869.

[Bill 199.]

Under 1 *oz.*

A

B I L L

FOR

The Preservation of Sea Birds.

A.D. 1869.

WHEREAS the sea birds of Great Britain have of late years greatly decreased in number; it is expedient therefore to provide for their protection during the breeding season:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Definition of the words "sea birds."

1. That the words "sea birds" shall for all the purposes of this Act be deemed to include the different species of gulls, awks, guillemots, cormorants, puffins, terns, oyster catchers, skuas, petrels, gannets, divers, razor bills, shearwaters and grebes, merganser, eider ducks, and snieldrakes.

Season during which sea birds shall not be killed.

2. If any person whosoever shall kill, wound, or take any sea bird, or use any boat, gun, net, or other engine or instrument for the purpose of killing, wounding, or taking any sea bird, or shall have in his control or possession any sea bird recently killed, wounded, or taken, between the *first day of May* and the *first day of August* in any year, every such person, shall, on conviction of any such offence before two justices of the peace, forfeit and pay for every such sea bird so killed, wounded, or taken, or so in his possession, such sum of money not exceeding *one pound* as to the said justices shall seem meet, together with the costs of the conviction: provided always, that this Act shall not extend to any sea birds killed, wounded, or taken bonâ fide for the purpose of being used as food.

Penalty.

Persons offending against this Act may be required to tell their names and abodes.

3. Where any person shall offend against this Act it shall be lawful for any police officer or other person to require the person so offending to tell his christian name, surname, and place of abode; and in case such person shall, after being so required, offend by refusing to tell his real name or place of abode, or by giving such a description of his place of abode as shall be illusory or insufficient for the purpose of discovery, such offender, upon being convicted of any such offence before a justice of the peace, shall forfeit, and, in

A.D. 1869.

Penalty for refusing.

addition to the penalties imposed by sections two and three, pay such sum of money not exceeding *two pounds* as to the convicting justices shall seem meet, together with the costs of the conviction.

Application of penalty.

4. One moiety of every penalty or forfeiture under this Act shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety shall be paid to some one of the overseers of the poor, or to some other officer, (as the convicting justice or justices may direct,) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate.

As to trial of offences committed within the Admiralty jurisdiction.

5. All offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty of England, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in England, and may be dealt with, inquired of, tried, and determined in any county or place in England in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "*on the high seas.*"

Limitation of Act.

6. This Act shall only apply to Great Britain.

Sea Birds Preservation.

A

B I L L

For the Preservation of Sea Birds.

(Prepared and brought in by
Mr. Sykes, Mr. Clay, and Mr. Ward Jackson.)

Ordered, by The House of Commons, *to be Printed,*
1 *March* 1869.

[Bill 28.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Preservation of Sea Birds.

A.D. 1869.

WHEREAS the sea birds of the United Kingdom have of late years greatly decreased in number; it is expedient therefore to provide for their protection during the breeding season:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Definition of terms.

1. That the words "sea birds" shall for all the purposes of this Act be deemed to include the different species of gulls, awks, guillemots, puffins, terns, oyster catchers, curlews, skuas, petrels, gannets, divers, razor bills, shearwaters and grebes, merganser, eider ducks, and shieldrakes; the word "sheriff" shall include steward and also sheriff substitute and steward substitute.

Season during which sea birds shall not be killed.

2. If any person whosoever shall kill, wound, or attempt to kill or wound, or take any sea bird, or use any boat, gun, net, or other engine or instrument for the purpose of killing, wounding, or taking any sea bird, or shall have in his control or possession any sea bird recently killed, wounded, or taken, between the first day of April and the first day of August in any year, every such person shall, on conviction of any such offence before two justices of the peace in England, or before the sheriff or any two justices of the peace in Scotland, forfeit and pay for every such sea bird so killed, wounded, or taken, or so in his possession, such sum of money not exceeding one pound as to the said justices or sheriff shall seem meet, together with the costs of the conviction.

Penalty.

Clause A. Home Office, on application of justices, may vary such period.

3. The Home Office may, upon application of the justices in quarter sessions assembled of any county on the sea coast, extend or vary the time during which the killing, wounding, and taking of sea birds is prohibited by this Act; the extension of such time by the Home Office shall be made by order under the hand of one of Her Majesty's Principal Secretaries of State, and a copy of the London

A.D. 1869.

Gazette containing such order shall be evidence of the same having been made.

Clause B. Penalty for selling eggs of sea birds.

4. Any person who shall expose or offer for sale, or have in his possession, the eggs of any sea birds between the first day of April and the first day of August in any year, shall, on conviction thereof before a justice or justices of the peace, forfeit and pay for every such egg so exposed or offered for sale, or being in his possession as aforesaid, such sum of money not exceeding five shillings as to the said justice or justices shall seem meet, together with the costs of such conviction, unless it shall be proved to the satisfaction of the said justice or justices that the said eggs so exposed or offered for sale as aforesaid have been taken previously to the first day of April, or subsequently to the first day of August, or that the said eggs have been taken solely and exclusively for the purpose of being used as food.

Persons offending against this Act may be required to tell their names and abodes.

5. Where any person shall offend against this Act it shall be lawful for any police officer, constable, or sub-constable of the royal constabulary force in Ireland of the Dublin metropolitan police, or other person, to require the person so offending to give his christian name, surname, and place of abode; and in case such person shall, after being so required, offend by refusing to give his real name or place of abode, or by giving such a description of his place of abode as shall be untrue, such offender, upon being convicted of any such offence before a justice of the peace or the sheriff, shall forfeit and in addition to the penalties imposed by section two, pay such sum of money not exceeding two pounds as to the convicting justice or sheriff shall seem meet, together with the costs of the conviction.

Penalty for refusing.

Application of penalty.

6. One moiety of every penalty or forfeiture under this Act shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety shall, in England, be paid to some one of the overseers of the poor, or to some other officer, (as the convicting justice or justices may direct,) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and, in Scotland, to the inspector of the poor of the parish in which the offence shall have been committed, to be by such inspector paid over to the use of the funds for the relief of the poor in such parish; and, if recovered in Ireland, such moiety shall be applied according to the provisions of the Fines Act (Ireland), 1851, or any Act amending the same.

A.D. 1869.

As to trial of offences committed within the Admiralty jurisdiction.

7. All offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon any land in the United Kingdom, and may be dealt with, inquired of, tried, and determined in any county or place in the United Kingdom in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "on the high seas"; and in Scotland any offence committed against this Act on the sea coast, or at sea beyond the ordinary jurisdiction of any sheriff or justice of the peace, shall be held to have been committed in any county abutting on such sea coast, or adjoining such sea, and may be tried and punished accordingly.

Sea Birds Preservation.

A

BILL

[AS AMENDED IN COMMITTEE]

For the Preservation of Sea Birds.

(*Prepared and brought in by*
Mr. Sykes, Mr. Clay, and Mr. Ward Jackson.)

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1869.

[Bill 59.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

SEA BIRDS PRESERVATION BILL.

Note.—*The page and line refer to the Bill* (54.) *as first printed by the Lords.*

Page 1.

Line 9, leave out from ("of") to ("the") in line 12, and insert ("auk, bonxie, Cornish chough, coulternel, diver, eider duck, "fulmar, gannet, grebe, guillemot, gull, kittiwake, loon, "marrot, merganser, murre, oyster catcher, petrel, puffin, "razor bill, scout, seamew, sea parrot, sea swallow, shear-"water, shelldrake, skua, smew, solan goose, tarrock, tern, "tystey, and willock;")

Line 20, after ("England") insert ("or Ireland")

Line 27, leave out ("and is taken bonâ fide for the purpose "of food")

Line 28, after ("Office") insert ("as to Great Britain, and the "Lord Lieutenant as to Ireland,")

Line 31, after ("extension") insert ("or variation")

Page 2.

Line 2, after ("State") insert ("after the making of which "order the penalties imposed by this Act shall in such "county apply only to offences committed during the time "specified in such order; and the extension of such time "by the Lord Lieutenant shall be made by order to be "published in the Dublin Gazette")

Line 3, after ("Gazette") insert ("or Dublin Gazette")

Leave out clause 4.

Line 42, leave out ("moiety") and insert ("penalty")

[Bill 125.]

Page 3.

Line 21, after (" peace ") insert (" or sheriff ")

At the end of the Bill add clauses (A.) and (B.) :

Extent of Act.

CLAUSE (A.) The operation of this Act shall not extend to the island of Saint Kilda.

CLAUSE (B.) It shall be lawful for Her Majesty, by an Order of Council, where, on account of the necessities of the inhabitants of the more remote parts of the sea coasts of the United Kingdom, it shall appear desirable, from time to time to exempt any part or parts thereof from the operation of this Act ; and every such Order shall assign the limits of such part or parts aforesaid within which such exemption shall have effect.

LORDS AMENDMENTS

TO THE

SEA BIRDS PRESERVATION BILL.

Ordered, by The House of Commons, *to be printed,* 13 *May* 1869.

[Bill 125.] *Under* 1 *oz.*

A

B I L L

TO

Extend certain provisions of the Sea Fisheries Act, 1868, to sea fisheries of crabs and lobsters, and to enable the Board of Trade to make local orders for the regulation of such fisheries. A.D. 1869.

Preamble. WHEREAS under part three of the Act thirty-one and thirty-two Victoria, chapter forty-five, intituled "An Act to carry "into effect a convention between Her Majesty and the Emperor "of the French concerning the fisheries in the seas adjoining the "British Islands and France, and to amend the laws relating to "British sea fisheries," authority is given to the Board of Trade to make local orders for the regulation of oyster and mussel fisheries on certain coasts and estuaries of the British Islands:

And whereas it is deemed expedient to extend such provisions of the said Act to sea crab and lobster fisheries:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of powers of Board of Trade under 31 & 32 Vict. c. 45. **1.** Such sections of part three of the above-recited Act as empower the Board of Trade to make local orders regulating oyster and mussel fisheries shall extend to the making of local orders regulating sea crab and lobster fisheries, and all the provisions of the said Act applicable to orders made with regard to oyster and mussel fisheries shall apply to orders made under this Act, mutatis mutandis.

Orders to define "crab" and "lobster." **2.** Any orders made under this Act referring to crabs shall define the word crab, and any orders referring to lobsters shall define the word lobster.

Inspector of fisheries. **3.** The inspector of oyster fisheries for the time being appointed under the provisions of the above-recited Act shall be the

A.D. 1869. inspector of sea crab and lobster fisheries under the provisions of this Act.

Short title. **4.** This Act may be cited as "The Sea Fisheries Act Extension Act, 1869."

Sea Fisheries Act (1868) Extension.

A

B I L L

To extend certain provisions of the Sea Fisheries Act, 1868, to Sea fisheries of crabs and lobsters, and to enable the Board of Trade to make local orders for the regulation of such fisheries.

(*Prepared and brought in by Mr. Andrew Johnston, Colonel Brise, and Mr. Donald Dalrymple.*)

Ordered, by The House of Commons, *to be Printed*, 9 *June* 1869.

[Bill 156.]

Under 1 *oz.*

A

BILL

TO

Confirm an Order made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Langston. A.D. 1869.

WHEREAS an order made by the Board of Trade under The Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict. c. 45.

And whereas it is expedient that the Order made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Order set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as The Oyster and Mussel Fisheries Orders Confirmation Act, 1869 (No. 2). Short title.

[Bill 146.]

A.D. 1869.

SCHEDULE.

Langston.

Order for the establishment and maintenance by the South of England Oyster Company, Limited, of a several oyster fishery in Langston Channel and other parts of Langston Harbour in the county of Southampton, and in certain rythes or channels in Chichester Harbour in the said county.

Undertakers.

1. The South of England Oyster Company, Limited, (in this Order called the company,) shall be the undertakers of the fishery mentioned in this Order.

Limits of fishery.

2. The following are the company's fishery grounds under this Order (as shown on plans deposited at the Board of Trade), namely, all those parts of the bed of the channels inside Langston Harbour known as Langston Channel, being all that part of the main channel surrounding the island of Hayling on the western side, covered with the tide at low water ordinary neap tides, and all that portion of the rythes lying between the main channel surrounding the island of Hayling on the western side and the mainland of the said island, which at low water of ordinary neap tides is covered with the tide, situate within the several parishes of Hayling North, Hayling South, Wymering, Widley, Farlington, Bedhampton, Portsmouth, Portsea extra parochial, or some or one of them, all in the county of Southampton, containing an area of two hundred acres or thereabouts, and bounded as follows: that is to say, on the north by an imaginary line drawn from a point 300 yards or thereabouts south of the eastern end of Hayling Bridge to New Milton, and on the south by an imaginary line drawn from a point 300 yards or thereabouts north-east of the northern bank of Rod Rythe, at its junction with the main channel, to a point on the opposite side of Langston Channel due west of the said point; also all those parts of the foreshore and bed of the channels or rythes inside Chichester Harbour, known as Mengeham Rythe and Cockle Rythe, both of which said rythes are situated on and run out of the western side of Emsworth Channel, situate in the said parish of Hayling South in the said county of Southampton, containing an area of twenty-five acres or thereabouts, bounded on the east side by an imaginary line drawn across the end of Cockle Rythe at the point where it falls into or joins the Emsworth Channel.

Right of several fishery.

3. This Order confers on the company a right of several oyster fishery within the limits above mentioned.

Marking of limits.

4. The limits of the said several fishery shall be marked out as follows; that is to say, by poles or beacons placed on the line of low water mark of ordinary neap tides on each side of Langston Channel and Cockle Rythe, at the boundaries referred to in Article 2 of this Order, and on the east and west sides of Langston Channel by poles or beacons placed on the line of low water mark of ordinary neap tides at intervals of not more than 100 yards.

Notice to be given if marks obliterated.

5. In the event of the marks mentioned in the last foregoing Article being obliterated by storm or otherwise, they shall be replaced by the company,

and notice of the said limits may be given to fishermen, dredgermen, and other persons:

(1.) By notice boards or placards placed in conspicuous places at the entrances of Langston and Chichester Harbours, at Emsworth, and at Hayling Bridge:

(2.) By advertisements in one or more local newspapers, and in the London "Shipping and Mercantile Gazette."

Works not to be commenced without assent of Board of Trade.

6. No buildings, erections, embankments, or other works other than the marks mentioned in Article 4 of this Order, shall at any time be commenced or executed within the limits above described without the previous sanction and approval in writing of the Board of Trade.

Company to give accounts of capital, receipts, and expenditure, and of oysters sold.

7. The company shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters sold by the company, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade or any person appointed by the Board of Trade to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such board or person all such information relating thereto as they or he may require.

Time of operation.

8. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer.

Saving rights under "Crown Lands Act, 1866."

9. This Order shall not be taken as a consent to the surrender of any rights, interests, power, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

Short title.

10. This Order may be cited as "The Langston Fishery Order, 1869."

Sea Fisheries Act (1868) Supplemental.

A

BILL

To confirm an order made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Langston.

(*Prepared and brought in by Mr. Shaw Lefevre and Mr. John Bright.*)

Ordered, by The House of Commons, *to be Printed*, 3 *June* 1869.

[Bill 146.]

Under 1 *oz.*

Sea Fisheries (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Commencement of Act.

Central Authority.

3. Appointment of commissioners for execution of Act. Lord Lieutenant may remove commissioners and other officers, and appoint officers, &c.
4. Appointment and duties of commissioners.
5. Commissioners, &c. empowered to enforce provisions of this Act.
6. Powers of commissioners.
7. Commissioners to report annually.
8. The coasts of Ireland to be divided into districts for the purposes of this Act.
9. Fishing vessels on the coast of Ireland to be registered and marked, &c. Penalty for using vessels not registered.

Agreements between Owners of Vessels, &c. and Crews.

10. Commissioners to make regulations as to voluntary agreements.
11. Forms of agreement to be provided, and agreements to be binding.

Repeal of Byelaws imposing Restrictions on Modes of Fishing.

12. Repeal of byelaws.

Regulations as to Trawl and Drift Nets, and Recovery of Fishing Boats and Gear picked up at Sea.

13. Regulations as to trawl, drift, and other nets.

Oyster Fisheries.

14. Transfer of powers from Board of Works to commissioners.
15. Power to make oyster beds.

Clause.

General Provisions.

16. Fishermen, &c. may use waste shores for the purposes of fishing.
17. Provisions as to watching for fish.
18. Penalty on persons resisting or obstructing fishermen in using waste shores.
19. Penalty on persons assaulting or obstructing any person fishing in a legal manner.
20. Officers and men of Her Majesty's cruisers, and officers and men of coast guard service, empowered to enforce provisions of this Act. Officers and men of the coast guard empowered to act as constables.
21. Offenders may be apprehended if they refuse to tell their names.
22. Penalty on persons using violence.

Water Bailiffs.

23. Powers of water bailiffs.
24. Penalty on opposing or assaulting inspectors, conservators, &c., or persons authorized by them, in execution of this Act.

Loans for Encouragement of Fisheries.

25. For the building of piers and harbours and the erection of curing houses, &c. For the building and repairing of vessels and boats and the purchase and repair of fishing gear, &c.

Incorporation of Acts relating to the building and making of Piers and Harbours.

26. All Acts relating to building, &c. of piers incorporated with this Act.

Legal Proceedings.

27. Recovery of penalties.
28. Appeal from convictions to quarter sessions.
29. Appeal against dismissal.
30. Illegal nets shall be brought before magistrates at petty sessions and destroyed; and legal nets, when used illegally, shall, upon being forfeited, be sold.
31. Offences committed on sea coast where to be tried.
32. 26 & 27 Vict. c. 114. incorporated with this Act.
33. Commissioners to be commissioners of inland as well as sea fisheries.

Schedule.

A

B I L L

TO

Amend the laws relative to the Sea Fisheries of Ireland. A.D. 1869.

WHEREAS it is expedient to amend the laws relating to the sea fisheries of Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title. **1.** This Act may be cited for all purposes as "The Sea Fisheries (Ireland) Act, 1868."

Commencement of Act. **2.** This Act shall not come into operation until the *first day of October one thousand eight hundred and sixty-nine.*

Central Authority.

Appointment of commissioners for execution of Act. **3.** The appointment of all officers and all direction and control of the fisheries in Ireland shall be for the future vested in the Lord Lieutenant, and it shall be lawful for the Lord Lieutenant to appoint three commissioners of fisheries, one of whom shall be a civil engineer of at least seven years standing, and as many other officers as may be necessary for carrying this Act into execution, and to remove the commissioners, secretary, or other officer, or any one or more of them, and to appoint another or others in the room of the person or persons so removed or dying or resigning, *and to pay to such commissioners, inspectors, clerk, or other officer respectively, out of such monies as may be provided by Parliament for the purpose, such sums by way of annual salaries as the Commissioners of Her Majesty's Treasury shall think fit;* and the commissioners shall have equal and co-ordinate powers, authorities, and privileges, so far as regards the carrying into execution the provisions of this Act; and all such powers, authorities, and privileges shall and may be exercised by any one or more of them.

Lord Lieutenant may remove commissioners, &c.

Appointment and duties of inspectors. **4.** That such inspectors be appointed as may be found necessary to encourage the fisheries, to give information to fishermen, to procure statistics of the fisheries, to see the law carried out,

A.D. 1869.

to settle disputes between fishermen, to suggest improvements, to report on the state of piers and harbours, and entertain applications for loans.

Commissioners, &c. empowered to enforce provisions of this Act. 5 & 6 Vict. c. 106. s. 89.

5. It shall be lawful for the commissioners, inspectors, or other officers appointed for the purposes of this Act, to use and exercise all powers and authorities for enforcing the provisions of this Act conferred by this Act upon water bailiffs.

Powers of commissioners.

6. The commissioners, or any one of them, may examine any witnesses on oath, and with respect to enforcing the attendance of witnesses, and the production of deeds, books, papers, and documents, shall have the same powers as justices of the peace have for such or the like purposes; moreover it shall be lawful for the commissioners, or any one of them, to order any person to be removed from their court who may interrupt the business of the court or refuse to obey their lawful orders in respect of the same; and it shall be the duty of the chief constable, commissioner, or chief officer of police of the county, city, borough, or place in which the court is held to take care that an officer of police do attend that court during its sitting for the purpose of keeping order therein, and to carry into effect any such order of the commissioners or commissioner as aforesaid.

Commissioners to report annually. 5 & 6 Vict. c. 106. s. 112.

7. The Lord Lieutenant shall, on or before the *last day of March* in every year, lay before Parliament reports from the commissioners, which reports shall contain, as far as may be practicable, a statistical account of the fisheries, arranged and classified under such different heads as may appear to the said commissioners to be most suited and adapted for the purpose, or as may from time to time be directed by the said Lord Lieutenant or other chief governor or governors.

The coasts of Ireland to be divided into districts for the purposes of this Act. 5 & 6 Vict c. 106. s. 15.

8. For the purpose of facilitating the registering of vessels and boats engaged in the sea and tideway fisheries of Ireland, the commissioners shall divide the coast of Ireland into such and so many districts or divisions, to be designated by such names, marks, or letters as they shall deem fit, and shall and may, if they shall think fit, from time to time alter such districts, divisions, and designations, and such districts, divisions, and designations, or alterations thereof as aforesaid, shall be published by the commissioners in such manner as they may direct, and shall also be recorded in the office of the commissioners.

Fishing vessels on the coast of

9. At such of the coast guard stations within such districts or divisions respectively as the commissioners shall appoint, subject to

A.D. 1869.

the consent and approbation of the Lords Commissioners of the Admiralty, there shall be kept in a book or books, to be provided for that purpose, a registry of all vessels, boats, cots, or curraghs engaged in fishing, and belonging to places within the district or division in which such coast guard station may be situate, together with the names of the owners of such vessels, and of the ports of which the same may respectively belong, and the number of men usually employed in each such vessel, boat, cot, or curragh; and the owners of such vessels, boats, cots, or curraghs are hereby required to have registered accordingly their names, and the names of their vessels, and the ports to which they severally belong, and the number of their men; and the owner of each vessel, boat, cot, or curragh shall be furnished by the registering officer for the time being with a certificate of such registry signed by him, and pay such sum as the commissioners may direct, not exceeding the sum of *one shilling* for each such certificate; and such certificate, or a copy thereof obtained from such registering officer, shall be conclusive evidence of such registration; and the number and mark or letter which shall be assigned to each vessel, boat, cot, or curragh by the registering officer, together with the names of the vessel, of the owner, or some one of the owners, where more than one, and of the port to which such vessel, boat, cot, or curragh belongs, shall be painted on the stern of such vessel, boat, cot, or curragh; and such number and mark or letter shall be also painted on the sails and bows or quarters, and on the buoys attached to the nets used with such vessel, boat, cot, or curragh, or on small boards permanently attached to such nets for the purpose, in such manner and in figures of such dimensions as the commissioners shall direct; and if any vessel, boat, cot, or curragh shall be used for fishing on any part of the coast of Ireland, or within any estuary thereof, at any time after the *first day of October one thousand eight hundred and sixty-nine*, which vessel, boat, cot, or curragh shall not have been so duly registered as aforesaid, or on the stern whereof the name of such vessel, boat, cot, or curragh, that of the owner or one of the owners, and of the port to which such vessel, boat, cot, or curragh may belong, shall not be so painted, and on the sails, bows, or quarters, and buoys and small boards attached to the nets whereof, such number and mark or letter shall not be so painted, the owner, master, or chief officer of such vessel, boat, cot, or curragh so used shall for every such offence forfeit and pay a sum not exceeding *ten pounds:* Provided always, that when any such vessel shall not be permanently engaged in fishing, the number and mark or letter may be temporarily attached to the

Ireland to be registered and marked, &c. 5 & 6 Vict. c. 106. s. 16.

Penalty for using vessels not registered.

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sails, bows, and quarters of such vessel, in such manner and for such time as shall be permitted by the commissioners; and provided also, that vessels belonging to places out of Ireland may, for the purposes of this Act, be registered at the coast guard station of any district or division within or adjoining which such vessel shall be engaged in fishing for the time being, the owner, master, or chief officer of any such vessel being subject nevertheless in both last-mentioned cases to forfeit and pay a sum not exceeding *ten pounds* if he shall neglect to comply with the provisions aforesaid; and any officer or men of the coast guard is or are hereby authorized to seize and detain in his custody all boats, vessels, &c. not registered and marked as herein directed; and such boats or vessels so seized may be restored to the owner on the penalties and costs incurred being paid.

Agreements between Owners of Vessels, &c. and Crews.

Commissioners to make regulations as to voluntary agreements.

10. The commissioners shall frame regulations, subject to the approval of the Lord Lieutenant, as to the forms of voluntary agreements between the owners of fishing vessels, boats, and crews, as to the period and nature of service, and remuneration.

Forms of agreement to be provided, and agreements to be binding.

11. Forms of agreement in conformity with same to be provided by the commissioners, and to be procurable at every coast guard station, on payment of a fee of *one penny;* such agreements, when duly signed in the presence of two witnesses, to be binding on the contracting parties, whether the agreement be based on share of profit or otherwise; and in case of the proof of the breach of such contract it shall be lawful, on conviction at petit sessions, for the magistrate or magistrates to award to the party aggrieved such damages, with costs, as shall seem fit.

Repeal of Byelaws imposing Restrictions on Modes of Fishing.

Repeal of byelaws.

12. On the *first of August one thousand eight hundred and sixty-nine* all byelaws relating to the sea coast fisheries (except those relating to oysters) shall be repealed and abolished; but it shall be lawful for the commissioners, at any time after the last-mentioned day, to make inquiry into the expediency and necessity of renewing or reviving any of such byelaws. If on such inquiry they should be satisfied of such expediency or necessity, it shall be lawful for them, subject to the approval of the Lord Lieutenant in Council, and an appeal to him in Council, to revive any of such byelaws, and to make such further byelaws as they may deem expedient.

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Regulations as to Trawl and Drift Nets, and Recovery of Fishing Boats and Gear picked up at Sea.

Regulations, as to trawl, drift, and other nets.

13. The commissioners, after a local inquiry, and subject to an appeal to the Lord Lieutenant in Council, may, if they think fit, make byelaws for the following purposes:

(1.) To regulate the distance at which trawl boats shall keep from boats fishing for herrings or mackerel with drift nets:

(2.) To prevent wanton injury to long-line fishing gear:

(3.) To cause long-line fishers to buoy or mark their gear in such manner as to be easily discernible:

(4.) And to regulate the form of nets and the size of meshes:

(5.) All fishing boats, all rigging, gear, or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered at the nearest coast guard station, and any person acting in contravention of this section shall incur a penalty not exceeding *ten pounds*.

Oyster Fisheries.

Transfer of powers from Board of Works to commissioners.

14. All the present powers with regard to oyster fisheries vested in the Board of Works shall on the *passing of this Act* be vested in the commissioners to be appointed under it.

Power to make oyster beds. 8 & 9 Vict. c. 108. s. 17. and 13 & 14 Vict. c. 88. s. 41.

15. It shall be lawful for the owner or occupier of any land bordering on the sea or any estuary, with the permission in writing of the commissioners, or for any person or persons, with the consent in writing of such owner or occupier, and with the permission in writing of the commissioners, and approved by the Lord Lieutenant or other chief governor, to form or plant any oyster bed or laying on the shore adjacent to such lands, and between high-water and low-water mark, and above or below the level of the lowest water mark of spring tides, or for any person or persons, without such consent as aforesaid, and with the permission of the commissioners, to form or plant any oyster bed below low-water mark, as the said commissioners shall think fit, subject to the approval of and appeal to the Lord Lieutenant in Council; and it shall be lawful for the several persons forming or planting any such oyster bed or laying to hold the same as private property, and to exercise an exclusive control over the same, and such oyster beds shall be entitled to the like protection as is provided in case of any other oyster beds or layings being the exclusive property of any person: Provided

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always, that any such permission as last aforesaid shall be lodged with the clerk of the peace of the county in which such oyster beds or layings shall be situate, and in all cases where it shall hereafter become necessary to prove any such permission of the said commissioners in any court of law or justice or elsewhere, a copy obtained from the office of any such clerk of the peace with whom the same may be lodged, and certified by him to be a true copy thereof, shall be received and taken as full and sufficient evidence of the existence of any such permission, and which copy such clerk of the peace is hereby required to furnish at the price of *sixpence* for each copy so furnished and certified: Provided always, that the forming and planting of such oyster beds as aforesaid shall not give any exclusive right or title to the occupancy of the said shore, except for the purpose aforesaid, or to the appropriation of any public banks or beds at present resorted to for oysters, but that the rights herein-before granted and conferred are to be considered as exclusively applying to places where no public oyster beds at present exist; saving to the Queen's most Excellent Majesty, and all the subjects of this realm, the free and full exercise and enjoyment of all other rights of fishing or other rights whatsoever in or along the said shore; and provided also, that in case of any such permission being granted to any occupier of any land bordering on the sea or any estuary as aforesaid, or to any person with his consent, or to any other person, such permission shall only continue and be in force during the continuance of such occupancy, or the legal transfer of same to any other person, which shall be duly noticed to the commissioners, and such transfer recorded in the office of the clerk of the peace; and in the case of any permission being granted to any person with the consent of any owner, such permission to plant oyster beds shall only continue and be in force for such period as shall be named in the consent of such owner.

General Provisions.

Fishermen, &c. may use waste shores for the purposes of fishing. 5 & 6 Vict. c. 106. s. 3.

16. It shall be lawful for all fishermen and persons employed by them to enter upon all such beaches, strands, and wastes on or adjoining the sea shore or any estuary, as may be necessary for the purpose of carrying on any herring or other sea fishing, and also to draw up and spread their nets and land their fish upon any such beach, strand, or waste; provided nevertheless, that they shall not erect any fixtures or fixed nets thereon.

Provisions as to watching for fish.

17. It shall be lawful for all watchmen, directors, and guiders of fishermen, and all such fishermen themselves, and such other

persons as shall necessarily attend the nets or fishings at the times of fishing for herrings, pilchards, and other sea fish, to enter and go into and upon any lands which lie or adjoin near unto any fishing place, fit, convenient, and necessary to watch and to draw or carry the fish on shore, and there to watch for the said fish, and to direct and guide the said fishermen which shall be upon the sea and sea coasts for the taking of the said fish; provided that no person shall be empowered or authorized by this Act to enter in or upon any enclosed garden, or any tillage land with a growing crop thereon.

5 & 6 Vict. c. 106. s. 4.

Penalty on persons resisting or obstructing fishermen in using waste shores.

18. If any person shall resist or forcibly obstruct any fisherman, or person employed by him, in entering upon or using for the purposes aforesaid the said beaches, strands, wastes, and other lands (save gardens and lands with a growing crop as aforesaid), every person so offending for every such offence shall forfeit and pay any sum not exceeding *five pounds*.

5 & 6 Vict. c. 106. s. 5.

Penalty on persons assaulting or obstructing any person fishing in a legal manner.

19. If any person shall resist or obstruct any persons lawfully engaged in fishing, or in proceeding to fish, or in returning from fishing, or shall wilfully and maliciously place any net or other engine, or obstruction of any kind, with the intent and design to prevent fish from entering the nets of other persons set or placed in a legal manner, or shall beat or disturb the water, or in any other manner act with the intent and design unlawfully to prevent fish from being taken by any person in a legal manner, or shall wilfully and maliciously injure or destroy the net or boat of any person, every person so offending shall for every such offence forfeit and pay any sum not less than *five pounds* and not exceeding *twenty pounds*, and shall also pay compensation for any net or boat so injured or destroyed; and every such net or other engine or obstruction so placed as aforesaid shall also be forfeited.

5 & 6 Vict. c. 106. s. 28. and 6 & 7 Vict. c. 79. s. 11.

Officers and men of Her Majesty's cruisers, and officers and men of coast guard service, empowered to enforce provisions of this Act.

20. It shall and may be lawful for all officers and petty officers and men belonging to the cruisers of Her Majesty's navy, and for all officers and men of the coast guard, and for all officers and men of the constabulary, anything in any Act of Parliament to the contrary notwithstanding, at all times and in all places, and subject to such directions and regulations as the Lords Commissioners of the Admiralty, or the inspector general of constabulary, shall from time to time think fit to prescribe, to go on board any vessel employed in fishing, and examine the certificate of registry and nets of such vessel, and whether the regulations of this Act have been complied with, and whether the master and other persons on board such vessel are carrying on the said fishery in the manner

5 & 6 Vict. c. 106. s. 86. and 7 & 8 Vict. c. 108. s. 2.

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hereby required, and to seize any illegal nets or engines, or boats, nets, or engines used contrary to the provisions of this Act, or any of the orders, regulations, or byelaws made by the said inspectors; and it shall be lawful for the officers and men employed in the coast guard service in Ireland, or of the constabulary force, to execute, for the purposes of this Act, on sea or on land, the warrants of any justice or justices, as fully and effectually as any person or persons authorized and empowered to execute warrants of any justice or justices in Ireland may now execute the same on land within their respective districts, and also to do all such other Acts on sea or land in relation to the preservation of the peace among persons engaged in fishing, and the enforcement of the provisions of this Act, as any water bailiff or constable may lawfully do within his jurisdiction, and to have all the powers, privileges, and authorities as are conferred on water bailiffs.

Officers and men of the coast guard empowered to act as constables.

21. When any person shall be found at sea, or on rivers, lakes, or other waters, or on land, offending against any of the provisions of this Act, or of any byelaw, order, or regulation of the commissioners, by the use of any illegal net, engine, or device whatsoever for the taking of fish, or by the use of any net, engine, or device prohibited at that time, or in any other manner, it shall be lawful for any officer or person empowered to enforce the provisions of this Act, or for any person interested in the fishery in which such illegal Act may be committed, to require the person so found offending forthwith to desist from such offence, and also to tell his christian name, surname, and place of abode; and in case such person shall, after being so required, refuse to tell his real name or place of abode, or shall give such a general description of his place of abode as shall be illusory for the purpose of discovery, or shall wilfully continue such offence, it shall be lawful for the officer or person so requiring as aforesaid, and also for any person acting by his order and in his aid, to apprehend such offender, and to convey him, or cause him to be conveyed, as soon as conveniently may be, before a justice of the peace, to be dealt with according to law: Provided always, that no person so apprehended shall on any pretence whatsoever be detained for a longer period than *twenty-four hours* from the time of his apprehension before he shall be brought before some justice of the peace; and that if he cannot, on account of the absence or distance of the residence of any such justice of the peace, or owing to any other reasonable cause, be brought before a justice of the peace within such *twenty-four hours* as aforesaid, then the person so apprehended shall be discharged, but may never-

Offenders may be apprehended if they refuse to tell their names.
5 & 6 Vict. c. 106. s. 87.

theless be proceeded against for his offence by summons or warrant, as if no such apprehension had taken place.

Penalty on persons using violence. 5 & 6 Vict. c. 106. s. 88.

22. Where any persons, to the number of three or more together, shall be found by any officer or men of Her Majesty's Navy, or of the coast guard, or constabulary, or any water bailiff or peace officer, by violence, intimidation, or menace, impeding or obstructing, or attempting to impede or obstruct, any other person or persons in the lawful prosecution of any fishery, it shall be lawful for such officer of the navy or coast guard, or constabulary force, or water bailiff, and also for any person acting by his order or in his aid, to apprehend such offenders, and to convey them before a justice of peace, to be dealt with according to law; and every person so offending by such violence, intimidation, or menace as aforesaid, and every person then and there aiding or abetting such offender, shall, upon being convicted thereof, forfeit and pay for every such offence such penalty, not exceeding *twenty pounds*, as to the convicting justice shall seem meet, together with the costs of the conviction, which said penalty shall be in addition to and independent of any other penalty to which any such person may be liable for any other offence against this Act.

Water Bailiffs.

Powers of water bailiffs.

23. Every water bailiff shall be empowered to exercise the powers and authorities of a constable for the enforcement of the provisions of this Act, or any byelaw made by the commissioners, and shall be at liberty at all times to enter any boat or vessel engaged in fishing, and to examine all nets, and to seize all engines used contrary to the provisions of this Act, or to any byelaw or order made by the inspectors, and to examine the certificate of registry of any vessel employed in fishing, and the production of his warrant of appointment shall be sufficient authority for such water bailiff acting.

Penalty on opposing or assaulting inspectors, conservators, &c. or persons authorized by them in execution of this Act. 5 & 6 Vict. c. 106. s. 90.

24. If any person shall assault, resist, or obstruct any of the inspectors or other officers, or any person acting by their authority, or any water bailiff, or any person acting under them or any of them, in the execution of any of the powers conferred on him or them by this Act, or by any rule, order, or byelaw to be made in pursuance of this Act, every person so offending shall for every such offence forfeit and pay any sum not exceeding *ten pounds*.

A.D. 1869.

Loans for the Encouragement of Fisheries.

Commissioners may advance money for building, &c. piers, &c.

25. The commissioners may advance loans for the following purposes:

(1.) To any person who shall produce such security for the repayment of such money as he may propose to borrow as may be satisfactory to the commissioners, for the building of piers, cleaning or dredging of harbours, erection of curing houses or sheds for the purpose of curing or drying fish, on the certificate of the inspectors that such work is necessary and important:

(2.) To any person who shall produce such security for the repayment of such money as he may propose to borrow as may be satisfactory to the commissioners for the building and repairing of vessels and boats or the purchase of fishing gear, or such other purpose as the commissioners may certify under their hands to be expedient for the promotion of the fisheries; but the discharge of loans for the purposes mentioned in this last paragraph of this section shall only be made by repayments extending over a period of not more than *ten years*.

Incorporation of Acts relating to the building and making of Piers and Harbours.

All Acts relating to building, &c. of piers incorporated with this Act.

26. All Acts relating to the building, making, or improvement of piers and harbours shall be incorporated with this Act; and after the *passing of this Act* any works to be undertaken or carried out thereunder shall be undertaken and carried out by the commissioners appointed under this Act, and grand juries may make their contributions for such works in the same manner as they may make advances under the Act of this session, intituled "An "Act to afford Facilities for the Erection of certain Bridges in "Ireland."

Legal Proceedings.

Recovery of penalties. 24 & 25 Vict. c. 109. s. 35. and 11 & 12 Vict. c. 92. s. 35.

27. All fines and penalties imposed by this Act, and all costs or expenses by this Act directed to be recovered, may, unless otherwise specially provided, be recovered in a summary manner within *six months* after the commission of the offence, in manner directed by an Act passed in the fifteenth year of the reign of Her Majesty Queen Victoria, chapter ninety-three, intituled "The Petty Sessions (Ireland) Act, 1851," or any Act amending the same; and all monies

received in respect of fines and penalties recovered under the Act shall be paid as follows; (that is to say,)

One third to the person on whose complaint the fine or penalty is recovered, and the remainder to the Crown.

Appeal from convictions to quarter sessions. 5 & 6 Vict. c. 106. s. 99.

28. If any person shall think himself aggrieved by any judgment, order, or conviction of any justice or justices of the peace, whatever may be the amount of the fine, penalty, or sum of money ordered to be paid, or the term of the imprisonment imposed, such person may appeal to the quarter sessions, in conformity with the provisions of the Petty Sessions (Ireland) Act, 1851.

Appeal against dismissal. 5 & 6 Vict. c. 106. s. 100.

29. And if any person prosecuting shall think himself aggrieved by any order of dismissal, it shall and may be lawful for such person to appeal to such sessions, as directed in the Petty Sessions (Ireland) Act, 1851, with regard to appeals from any conviction, upon giving like notice, and entering into a recognizance, with two sufficient sureties, before any magistrate, in any sum not less than *ten pounds*, conditioned for the payment of all such costs and expenses as shall be adjudged against him on the hearing of such appeal.

Illegal nets shall be brought before magistrates at petty sessions, and destroyed;

and legal nets, when used illegally, shall, upon being forfeited, be sold. See 5 & 6 Vict. c. 106. s. 103. and 1 G. 1. stat. 2. c. 18. ss. 6. 14. 18 G. 3. c. 33. s. 4.

30. In case any officer or person hereby authorized and empowered to seize illegal nets or engines, or nets or engines of a legal form and size when used contrary to the provisions of this Act, shall seize the same, it shall and may be lawful for him to retain the same in his custody until the next sitting of the petty sessions court, or any adjournment thereof, in the petty sessions district where the same shall be seized, and at such petty sessions court it shall and may be lawful for the justices to order and direct the same to be forfeited, and in case the same shall be such as cannot be legally used under the provisions of this Act, to order the same to be destroyed, and in case the same shall be such as may be legally used under the provisions of this Act, then and in such case it shall be lawful for such justices to order the same to be sold, or otherwise disposed of as such justice shall direct, and the money arising therefrom, if sold, to be applied in the same manner as the penalties imposed for violation of the provisions of this Act are hereby directed to be applied.

Offences committed on sea coast where to be tried. 24 & 25 Vict. c. 109. s. 37.

31. Any offence committed under this Act, on the sea coast or at sea, beyond the ordinary jurisdiction of any justice of the peace, shall be deemed to have been committed within the body of any county abutting on such sea coast or adjoining such sea, and may be tried and punished accordingly.

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26 & 27 Vict. c. 114. incorporated with this Act.

32. The Act twenty-six and twenty-seven Victoria, chapter one hundred and fourteen, and any Acts extending the same, shall be incorporated with this Act, and be construed as one Act.

Commissioners to be commissioners of inland as well as sea fisheries.

33. The chief and other commissioners of fisheries to be appointed under this Act shall be commissioners for executing the laws affecting both the inland and sea fisheries in Ireland, and all powers now vested in the Board of Works with regard to the fisheries shall be transferred to them.

SCHEDULE to which the foregoing Act refers.

Form of Warrant for a Water Bailiff.

[*Stamp.*]

I *A.B.* [*or* we *A.B.* and *C.D.*, *as the case may be*,] [*name the place or places of residence*], do hereby appoint *D.E.* of [*name the place of his residence*] a water bailiff, to protect the oyster fishery of [*name the fishery*], pursuant to the Act of Victoria, chapter , intituled ; and the said *D.E.* of [*name the place of his residence*] is hereby authorized to do all lawful acts as such water bailiff, according to the provisions of the said Act.

(Signed) *A.B.*

To all to whom it may concern.

Form of Approval of Appointment of Water Bailiff.

We, the undersigned magistrates assembled in petty sessions at this day of , A.D. 18 , do hereby approve of the above appointment of as water bailiff for the said oyster fishery [*name the fishery*]. In witness whereof we hereunto subscribe our names.

A.B. J.P.

C.D. J.P.

Sea Fisheries (Ireland).

A

BILL

To amend the laws relative to the Sea Fisheries of Ireland.

(*Prepared and brought in by Mr. Blake, Viscount Burke, Colonel Annesley, and Mr. Kavanagh.*)

Ordered, by The House of Commons, *to be Printed*, 15 *March* 1869.

[Bill 51.]

Under 2 *oz.*

Seamen's Clothing Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Extent of Act.
3. Definitions.
4. Penalty on purchaser of seamen's clothing in dockyard towns.
5. Penalty on dealer, &c. found in possession of seaman's property and not accounting for it.
6. Incorporation of parts of 24 & 25 Vict. c. 96.
7. Not to prevent persons being indicted under this Act, &c.

SCHEDULE.

[Bill 242.] A

A

B I L L

INTITULED

An Act to amend the Law relating to the Protection of Seamen's Clothing and Property. A.D. 1869.

WHEREAS the clothing and property of soldiers are protected by the restraint of the sale thereof, and it is expedient to make the like provisions with respect to seamen's clothing and property:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Seamen's Clothing Act, 1869.

Extent of Act.

2. The dockyard towns to which this Act extends are the towns specified in the schedule to this Act, and for the purposes of this Act the limits of those dockyard towns shall be the limits specified in the second column of the said schedule.

Definitions.

3. In this Act—

The term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral:

The term "seaman" means every person not being a commissioned, warrant, or subordinate officer who is in or belongs to Her Majesty's navy, and is borne on the books of any one of Her Majesty's ships in commission, and every person, not being an officer as aforesaid, who, being borne on the books of any hired vessels in Her Majesty's service in time of war, is by virtue of any Act for the time being in force for the discipline of the navy, subject to the provisions of such Act:

A.D. 1869.

The term "seaman's property" means any clothes, slops, medals, and necessaries, or articles usually deemed to be necessaries for sailors on board ship which belong to any seaman.

Penalty on purchaser of seamen's clothing in dockyard towns.

4. If any person in any dockyard town to which this Act extends detains, buys, exchanges, takes on pawn, or receives from any seaman, or any person acting for a seaman, any seaman's property, or solicits or entices any seaman, or is employed by any seaman, to sell, exchange, or pawn, any seaman's property, he shall, unless he proves that he acted in ignorance of the same being seaman's property, or of the person with whom he dealt being or acting for a seaman, or that the same was sold by order of the Admiralty or Commander-in-Chief, be liable, on summary conviction, to a penalty not exceeding twenty pounds, and if convicted of a second offence, to the same penalty, or, in the discretion of the justices, to be imprisoned for a term not exceeding six months, with or without hard labour.

Penalty on dealer, &c. found in possession of seaman's property and not accounting for it. 32 & 33 Vict. c. 12.

5. If in any dockyard town to which this Act extends any seaman's property is found in the possession or keeping of any person, and he is taken or summoned before a justice of the peace, (which taking and summoning are hereby authorized,) and the justice sees reasonable grounds for believing the property so found to have been stolen, or to have been detained, bought, exchanged, pawned, or otherwise received contrary to the provisions of this Act, then if such person does not satisfy the justice that he came by the seaman's property so found, lawfully and without any contravention of this Act, he shall be liable, on summary conviction before a justice, to a penalty not exceeding five pounds; and for the purposes of this section seaman's property shall be deemed to be in the possession or keeping of any person if he knowingly has any such property in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

Incorporation of parts of 24 & 25 Vict. c. 96.

6. The following sections of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six, "to consolidate and amend the statute "law of England and Ireland relating to larceny, and other similar "offences," are hereby incorporated with this Act, and shall for the purposes of this Act be read as if they were herein enacted, and as if the term "this Act" in those sections included the present Act; namely, section ninety-nine (relating to the punishment of abettors),

section one hundred and three (relating to the apprehension of offenders, and search warrants), and sections one hundred and seven to one hundred and thirteen, both inclusive, and section one hundred and twenty (relating to proceedings in the case of summary offences, and appeals therefrom).

Not to prevent persons being indicted under this Act, &c.

7. Nothing in this Act shall prevent any person from being indicted, or being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

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SCHEDULE.

Names of Places.	Limits of Places.
Portsmouth - -	The limits of the municipal borough of Portsmouth, and of the residue of the island of Portsea, and of the parish of Alverstoke, and of the township of Landport.
Plymouth and Devonport.	The limits of the following places; namely, The municipal borough of Plymouth. The parliamentary borough of Devonport. The parish of Laira. The tithing of Pennycross or Western Peveril. The tithing of Compton Gifford. Torpoint, in the county of Cornwall, within the distance of half a mile from the Ferry gate.
Chatham - -	The limits of the following places; namely, Chatham; Gillingham; Saint Nicholas, Rochester; Saint Margaret, Rochester; The Precincts, Rochester; Brompton; New Brompton; Strood; and Frindsbury; The hamlet of Grange otherwise Grench.
Sheerness - -	The limits of the parish of Minster, and of the township of Queenborough.
Cork - - -	The limits of the borough of Cork for municipal purposes.
Queenstown - -	The limits of the town of Queenstown for the purposes of town improvement.

Seamen's Clothing.

[H.L.]

A

B I L L

INTITULED

An Act to amend the Law relating to the Protection of Seamen's Clothing and Property.

(*Brought from the Lords* 26 *July* 1869.)

Ordered, by The House of Commons, *to be Printed*, 26 *July* 1869.

[Bill 242.]

Under 1 *oz.*

A

B I L L

TO

Prevent the Adulteration of Seeds.

A.D. 1869.

WHEREAS the practice of adulterating seeds, in fraud of Her Majesty's subjects, and to the great detriment of agriculture, requires to be repressed by more effectual laws than those which are now in force for that purpose:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title of Act.

1. This Act may be cited as "The Adulteration of Seeds Act, 1869."

Interpretation of terms.

2. In this Act—

The term "killed seeds" means seeds the vitality or germinating power of which has been destroyed by any such means as herein-after mentioned in section 3. of this Act;

And the term "dyed seeds" means seeds to which there has been given or imparted by any such means as herein-after mentioned in section 3. of this Act the appearance or likeness of seeds of any other kind than their true kind, or a false or deceptive appearance;

And the term "court" means the court or persons before whom the offences created by this Act may, by virtue of this Act, be prosecuted, adjudicated upon, and dealt with as herein-after provided.

Killing or dyeing seeds an offence.

3. Whosoever shall destroy or kill, or cause to be destroyed or killed, by any process of steaming, scalding, kiln drying, baking, fumigating, or other artificial means of any kind, the vitality or germinating power or principle of any seeds, or shall give or impart, or cause to be given or imparted, to any seeds of any kind, by any process of colouring, dyeing, sulphur smoking, or any other artificial means, the appearance or likeness of any seeds of any

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other kind, or a false or deceptive appearance, shall be guilty of an offence against this Act, and shall for every such offence, on summary conviction thereof before the court, be liable to and shall forfeit and pay such penalty and costs as herein-after in that behalf provided.

Selling or having killed or dyed seeds an offence.

4. Whosoever shall knowingly sell or offer for sale, or cause to be sold or offered for sale, or, for the purpose of sale, buy, import, receive, or have in his possession any killed seeds or dyed seeds, shall be guilty of an offence against this Act, and shall for every such offence, on summary conviction thereof before the court, be liable to and shall forfeit and pay such penalty and costs as herein-after in that behalf provided.

Selling or having mixed seeds an offence.

5. Whosoever shall knowingly sell or offer for sale, or cause to be sold or offered for sale, or, for the purpose of sale, buy, import, receive, or have in his possession any seeds with which any killed seeds or dyed seeds shall have been mixed, shall be guilty of an offence against this Act, and shall for every such offence, on conviction thereof before the court, be liable to and shall forfeit and pay such penalty and costs as herein-after in that behalf provided.

Proviso as to what shall not be an offence.

6. Provided always, That the application to any kind of seeds of any process or means for cleansing the same, or for any experimental or scientific purpose, or for expressing, extracting, or distilling therefrom any oil, juice, extract, essence, or spirit, or for converting the same into flour or meal, or for dressing or preparing the same to be used as or reducing the same into a condition to be used as food or fodder or a medicament, or for manufacturing any article or substance therewith or therefrom, shall not, nor shall the selling or offering for sale, or causing to be sold or offered for sale, or buying, importing, receiving, or being in possession of any seeds, to which any process or means shall have been applied for any of the purposes in this section mentioned, constitute an offence against this Act.

Penalties for offences.

7. Whosoever shall be convicted of any offence against this Act shall for every such offence, on summary conviction thereof before the court, be liable to and shall forfeit and pay such sum of money, not exceeding *fifty pounds*, together with such costs attending such conviction, as to the court shall seem reasonable; and if any person, having been convicted of any such offence, shall afterwards commit the like offence or any other offence against this Act, and shall be convicted thereof, it shall be lawful for the court, besides inflicting upon such person the penalty and costs herein-before in this section provided in respect of such subsequent offence, to order and direct

Second offence.

such offender's name, occupation, place of abode, and place of business, and particulars of his convictions and punishments under this Act, to be published by the informant or prosecutor, and at the expense of such offender, in such newspaper or newspapers or in such other manner as the court shall think fit to prescribe, and to allow to the said informant or prosecutor as part of his costs such sum of money, not exceeding *five pounds*, as to the court shall seem a reasonable sum to be allowed for and in respect of the expense to be incurred in and about such publication.

Form of complaint for a subsequent offence.

8. In any information, complaint, or other proceeding against any person for any offence against this Act committed after any former conviction or convictions of the same person of any offence or offences against this Act, and in every conviction of such person of any such subsequent offence, it shall be a sufficient setting forth of such former conviction or convictions to state that at a certain time and place or at certain times and places therein named such person was convicted of an offence or offences against this Act, without otherwise describing the previous offence or offences; and either a certificate containing the substance and effect only, and omitting the formal part of the conviction or convictions of such former offence or offences, or a copy of any such former conviction or convictions, purporting respectively to be signed by the clerk of the peace or other officer having the lawful custody of the records of the court before whom the offender was convicted of such former offence or offences, or by the lawful deputy of such clerk of the peace or officer, (for which certificate or copy a fee of *five shillings* and no more shall be demanded or taken,) shall, upon proof of the identity of the person of the offender, be sufficient evidence of such former conviction or convictions, without proof of the signature or official character of the person appearing to have signed such certificate or copy.

Proof of previous conviction.

Procedure in cases under Act.

9. Every offence hereby made punishable on summary conviction may be prosecuted, adjudicated upon, and dealt with in the manner following; (that is to say,) if in England before and by two or more justices of the peace in petty sessions, or a metropolitan stipendiary magistrate, and (save in so far as is herein otherwise provided) in the manner directed by the Act of the eleventh and twelfth years of Queen Victoria, chapter forty-three, intituled "An Act to facili- "tate the performance of the duties of justices of the peace out "of sessions within England and Wales with respect to summary "convictions and orders;" and if in Scotland before and by two or more justices of the peace in justice of the peace court, and (save

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in so far as is herein otherwise provided) in the manner directed by "The Summary Procedure Act, 1864;" and if in Ireland before and by justices at petty sessions or a divisional justice, and (save in so far as is herein otherwise provided) in the manner directed by "The Petty Sessions (Ireland) Act, 1851."

Appeal to quarter sessions.

10. In all cases where the sum adjudged to be paid on summary conviction shall exceed *five pounds* any person who may think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions which shall be holden not less than twelve days after the date of such conviction for the county, city, borough, or place wherein such conviction shall have taken place; provided that such person shall give to the informant or prosecutor a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and shall also within the same time enter into a recognizance, with two sufficient sureties, before a justice of the peace or stipendiary magistrate or divisional justice, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the said sessions thereupon, and to pay such costs as shall be by the said sessions awarded; and the said sessions shall hear and determine the matter of the appeal, and shall make such order thereon, with or without costs to either party, as to the said sessions shall seem meet.

Case for opinion of court of Session on points of law.

11. After the hearing and determination by the court of any information or complaint or other proceeding prosecuted in Scotland against any person for any offence against this Act, either party to the proceeding before the court may, if dissatisfied with the determination of the court as being erroneous in point of law, and instead of appealing to the general or quarter sessions, apply in writing within three days after such determination to the court, to state and sign a case for the opinion of the court of Session thereon, in like manner as under the statute of the twentieth and twenty-first years of Her Majesty, chapter forty-three, he might, in case of an information, complaint, or other proceeding prosecuted in England, have applied to the justices to state and sign a case for the opinion thereon of one of the superior courts of law, and thereupon the court may state and sign a case for the opinion of the court of Session, in like manner as the justices in England may for the opinion of the superior courts of law under the same Act; and all the provisions of the same Act with relation to a case shall apply to every case authorized by this Act, save and except that for the purposes of this Act that Act shall be read and have effect as if

the words "the court of Session" had been inserted therein wherever the words "superior courts of law," or the words "court of Queen's Bench," are inserted therein, and instead of those words. A.D. 1869.

12. No summary conviction under this Act shall be quashed for want of form, or be removed by certiorari or suspension into any superior court. No certiorari, &c.

13. Nothing in this Act contained shall prejudice or affect the power of proceeding by indictment or libel in respect of any offence herein provided for, nor shall any proceeding, conviction, or judgment to be had or taken under the provisions hereof against any person prevent, lessen, or impeach any remedy by civil process at law or in equity which any party aggrieved by any offence against this Act might have had if this Act had not been passed. Other remedies not to be affected.

14. This Act shall commence and take effect on the *first day of October one thousand eight hundred and sixty-nine.* Commencement of Act.

Seeds Adulteration.

A

BILL

To prevent the Adulteration of Seeds.

(*Prepared and brought in by*
Mr. Welby, Mr. Brand, Sir Michael Hicks Beach,
and Mr. Read.)

Ordered, by The House of Commons, *to be Printed,*
12 *March* 1869.

[Bill 49.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Prevent the Adulteration of Seeds.

A.D. 1869.

WHEREAS the practice of adulterating seeds, in fraud of Her Majesty's subjects, and to the great detriment of agriculture, requires to be repressed by more effectual laws than those which are now in force for that purpose:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title of Act.

1. This Act may be cited as "The Adulteration of Seeds Act, 1869."

Interpretation of terms.

2. In this Act—

The term "old seeds" means seeds the vitality or germinating power of which has been entirely destroyed by age or by any other natural cause;

The term "killed seeds" means seeds the vitality or germinating power of which has been destroyed by any such means as herein-after mentioned in section 3. of this Act;

And the term "dyed seeds" means seeds to which there has been given or imparted by any such means as herein-after mentioned in section 3. of this Act the appearance or likeness of seeds of any other kind than their true kind, or a false or deceptive appearance;

And the term "court" means the court or persons before whom the offences created by this Act may, by virtue of this Act, be prosecuted, adjudicated upon, and dealt with as herein-after provided;

And the term "sheriff" includes sheriff substitute.

Killing or dyeing seeds an offence.

3. Whosoever shall, with intent to defraud or to enable another to defraud any person, destroy or kill, or cause to be destroyed or killed, by any process of steaming, scalding, kiln drying, baking,

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fumigating, or other artificial means of any kind, the vitality or germinating power or principle of any seeds, or shall give or impart, or cause to be given or imparted, to any seeds of any kind, by any process of colouring, dyeing, sulphur smoking, or any other artificial means, the appearance or likeness of any seeds of any other kind, or a false or deceptive appearance, shall be guilty of an offence against this Act, and shall for every such offence, on summary conviction thereof before the court, be liable to and shall forfeit and pay such penalty and costs as herein-after in that behalf provided.

Selling or having killed or dyed seeds an offence.

4. Whosoever shall, with intent to defraud or to enable another to defraud any person, sell or offer for sale, or cause to be sold or offered for sale, or, for the purpose of sale, buy, import, or receive, any killed seeds or dyed seeds, shall be guilty of an offence against this Act, and shall for every such offence, on summary conviction thereof before the court, be liable to and shall forfeit and pay such penalty and costs as herein-after in that behalf provided.

Selling or having mixed seeds an offence.

5. Whosoever shall, with intent to defraud or to enable another to defraud any person, sell or offer for sale, or cause to be sold or offered for sale, or, for the purpose of sale, buy, import, or receive, any seeds with which any killed seeds or dyed or old seeds shall have been mixed, shall be guilty of an offence against this Act, and shall for every such offence, on conviction thereof before the court, be liable to and shall forfeit and pay such penalty and costs as herein-after in that behalf provided.

Penalties for offences.

6. Whosoever shall be convicted of any offence against the third section of this Act shall for every such offence, on summary conviction thereof before the court, be liable to and shall forfeit and pay such sum of money, not exceeding fifty pounds, together with such costs attending such conviction, as to the court shall seem reasonable.

Whosoever shall be convicted of any offence against the fourth and fifth sections of this Act, on summary conviction thereof before the court, shall for every such offence be liable to and shall forfeit and pay such sum of money not exceeding five pounds, together with such costs attending such conviction, as to the court shall seem reasonable; and if any person, having been convicted of any such offence, shall afterwards commit the like offence or any other offence against this Act, and shall be convicted thereof, it shall be lawful for the court, besides inflicting upon such person the penalty and costs herein-before in this section provided in respect of such subsequent offence, to order and direct such offender's name, occu-

pation, place of abode, and place of business, and particulars of his convictions and punishments under this Act, to be published by the informant or prosecutor, and at the expense of such offender, in such newspaper or newspapers or in such other manner as the court shall think fit to prescribe, and to allow to the said informant or prosecutor as part of his costs such sum of money, not exceeding five pounds, as to the court shall seem a reasonable sum to be allowed for and in respect of the expense to be incurred in and about such publication.

Clause A. Intent to defraud particular person need not be alleged.

7. In every information, conviction, complaint, or other proceeding for any offence against this Act, where it shall be necessary to allege an intent to defraud or to enable another to defraud any person, it shall be sufficient to allege that the party accused did the act charged with intent to defraud or to enable some other person to defraud any person, without alleging an intent to defraud any particular person, or an intent to enable any particular person to defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person or an intent to enable any particular person to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud or with intent to enable some other person to defraud, or with the intent that any other person might be enabled to defraud.

Form of complaint for a subsequent offence.

8. In any information, complaint, or other proceeding against any person for any offence against this Act committed after any former conviction or convictions of the same person of any offence or offences against this Act, and in every conviction of such person of any such subsequent offence, it shall be a sufficient setting forth of such former conviction or convictions to state that at a certain time and place or at certain times and places therein named such person was convicted of an offence or offences against this Act, without otherwise describing the previous offence or offences; and either a certificate containing the substance and effect only, and omitting the formal part of the conviction or convictions of such former offence or offences, or a copy of any such former conviction or convictions, purporting respectively to be signed by the clerk of the peace or other officer having the lawful custody of the records of the court before whom the offender was convicted of such former offence or offences, or by the lawful deputy of such clerk of the peace or officer, (for which certificate or copy a fee of five shillings and no more shall be demanded or taken,) shall, upon proof of the identity of the person of the offender, be sufficient evidence of such

Proof of previous conviction.

A.D. 1869.

former conviction or convictions, without proof of the signature or official character of the person appearing to have signed such certificate or copy.

Procedure in cases under Act.

9. Every offence hereby made punishable on summary conviction may be prosecuted, adjudicated upon, and dealt with in the manner following; (that is to say,) if in England, before and by two or more justices of the peace in petty sessions, or a metropolitan police magistrate, or a stipendiary magistrate, and (save in so far as is herein otherwise provided) in the manner directed by the Act of the eleventh and twelfth years of Queen Victoria, chapter forty-three, intituled "An Act to facilitate the performance of the duties "of justices of the peace out of sessions within England and "Wales with respect to summary convictions and orders;" and if in Scotland, before and by the sheriff or by two or more justices of the peace in justice of the peace court, and (save in so far as is herein otherwise provided) in the manner directed by "The Summary Procedure Act, 1864;" and if in Ireland, before and by justices at petty sessions or a divisional justice, and (save in so far as is herein otherwise provided) in the manner directed by "The Petty Sessions (Ireland) Act, 1851."

Appeal to quarter sessions.

10. Any person may appeal against any conviction under this Act to the next court of general or quarter sessions which shall be holden not less than twelve days after the date of such conviction for the county, city, borough, or place wherein such conviction shall have taken place; provided that such person shall give to the informant or prosecutor a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and shall also within the same time enter into a recognizance or bond of caution, with two sufficient sureties, before a justice of the peace or stipendiary magistrate or divisional justice, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the said sessions thereupon, and to pay such costs as shall be by the said sessions awarded; and the said sessions shall hear and determine the matter of the appeal, and shall make such order thereon, with or without costs to either party, as to the said sessions shall seem meet.

Case for opinion of Court of Session on points of law.

11. After the hearing and determination by the court of any information or complaint or other proceeding prosecuted in Scotland against any person for any offence against this Act, either party to the proceeding before the court may, if dissatisfied with the determination of the court as being erroneous in point of law, and instead of appealing to the general or quarter sessions, apply

in writing within three days after such determination to the court, to state and sign a case for the opinion of the Court of Session thereon, in like manner as under the statute of the twentieth and twenty-first years of Her Majesty, chapter forty-three, he might, in case of an information, complaint, or other proceeding prosecuted in England, have applied to the justices to state and sign a case for the opinion thereon of one of the superior courts of law, and thereupon the court may state and sign a case for the opinion of the Court of Session, in like manner as the justices in England and Ireland may for the opinion of the superior courts of law under the same Act; and all the provisions of the same Act with relation to a case shall apply to every case authorized by this Act, save and except that for the purposes of this Act that Act shall be read and have effect as if the words "the Court of Session" had been inserted therein wherever the words "superior courts of law," or the words "Court of Queen's Bench," are inserted therein, and instead of those words. A.D. 1869.

12. No summary conviction under this Act shall be quashed for want of form, or be removed by certiorari or suspension into any superior court. No certiorari, &c.

Clause B. Limiting time for proceedings under this Act.

13. Every complaint under the fourth and fifth sections of this Act against any person shall be commenced within twenty-eight days from the time of the commission of such offence.

Clause C. Court may order prosecutor to pay costs of unreasonable prosecution.

14. Whenever any complaint shall be preferred against any person under the provisions of this Act, and the court, upon the hearing thereof, shall determine that it is not bonâ fide made upon reasonable and probable cause, it shall be lawful for the court in its discretion to direct and order that the prosecutor or other person by whom or at whose instance such complaint shall have been preferred shall pay unto the accused person the just and reasonable costs, charges, and expenses, to be settled by the court, of such accused person and his witnesses, occasioned by or consequent upon the preferring of such complaint; and upon nonpayment of such costs, charges, and expenses within fourteen days after the date of such direction and order, it shall be lawful for any of the superior courts of law in England or Ireland, or the Court of Session in Scotland, or any judge of the said courts respectively, to issue against the person on whom such direction or order is made such and the like writ or writs, process or processes, as may now be lawfully issued by any of the said courts for enforcing or executing judgments thereof.

A.D. 1869.

Other remedies not to be affected.

15. Nothing in this Act contained shall prejudice or affect the power of proceeding by indictment or libel in respect of any offence herein provided for, nor shall any proceeding, conviction, or judgment to be had or taken under the provisions hereof against any person prevent, lessen, or impeach any remedy by civil process at law or in equity which any party aggrieved by any offence against this Act might have had if this Act had not been passed.

Commencement of Act.

16. This Act shall commence and take effect on the first day of October one thousand eight hundred and sixty-nine.

Seeds Adulteration.

A

B I L L

[as amended by the select committee]

To prevent the Adulteration of Seeds.

(Prepared and brought in by Mr. Welby, Mr. Brand, Sir Michael Hicks Beach, and Mr. Read.)

Ordered, by The House of Commons, *to be Printed,* 19 *July* 1869.

[Bill 222.] *Under* 1 *oz.*

A

B I L L

FOR

The Appointment of Two Sheriffs in the County of York.

A.D. 1869.

WHEREAS the county of York is of so great an extent as to make it expedient that for the purpose of the jurisdiction of the sheriff it should be divided into two parts, each part to be the bailiwick of a separate sheriff:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Division of Yorkshire for purposes of sheriff into two parts.

1. The county of York shall for the purpose of the jurisdiction of the sheriff be divided into two parts, to be called respectively East Yorkshire and West Yorkshire, and each of the said parts shall be subject to the jurisdiction and form the bailiwick of a separate sheriff.

East Yorkshire shall comprise the north and east ridings of Yorkshire, and West Yorkshire shall comprise the west riding.

Appointment of sheriffs for two parts of Yorkshire.

2. The sheriffs of East Yorkshire and West Yorkshire respectively shall be assigned, nominated, appointed, and pricked by the same persons, at the same time and place, and in the same manner as sheriffs of counties in England are by law assigned, nominated, appointed, and pricked.

Position of sheriffs in parts of Yorkshire.

3. East Yorkshire and West Yorkshire shall respectively, for all purposes relating to sheriffs, be deemed to be separate counties, and each of the said sheriffs shall, within his own county and jurisdiction, have the same jurisdiction and powers, enjoy the same privileges, perform the same duties, and be subject to the same obligations, disabilities, and penalties, and in all respects be in the same position, as if he were a sheriff of an ordinary county in England.

Application of laws and customs relating to office of sheriff.

4. All Acts passed or hereafter to be passed and all laws and customs relating to the qualification of persons to serve the office of sheriff, and to the exemption of persons from serving that office, and

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generally all Acts passed or hereafter to be passed and all laws and customs relating to sheriffs and the office of sheriff, shall apply to the sheriffs and the office of sheriff of East Yorkshire and West Yorkshire respectively in the same manner as to the sheriff and the office of sheriff of any ordinary county in England, and as if East Yorkshire and West Yorkshire were separate counties.

Prison at York.

5. The castle of York may continue to be used as a prison for both East Yorkshire and West Yorkshire, and prisoners may be committed and conveyed to, and detained in such prison in like manner as before the passing of this Act, and such prison shall, as regards all prisoners confined in it who are in the custody or within the jurisdiction of the sheriffs of East Yorkshire and West Yorkshire respectively, be deemed to be the separate prison of the sheriff of East Yorkshire or West Yorkshire, as the case may be, and together with the officers thereof, to be within the county and jurisdiction and under the control of such sheriff, exclusively of the other sheriff.

The security for the safe custody of debtors given by the gaoler of the said prison to the sheriff of Yorkshire, and his successors in office, shall be deemed to enure to the joint and several benefit of the first and all succeeding sheriffs of East Yorkshire and West Yorkshire in the same manner as if they were individually named therein.

Ainsty of York to be under sheriff of East Yorkshire for parliamentary elections.

6. The Ainsty of York, which is part of the west riding, but is annexed to the north riding for the purpose of the election of members to serve in Parliament for that riding, shall for all purposes relating to such election be within the jurisdiction of the sheriff of East Yorkshire alone, and be deemed to form part of his county.

Election of coroner of district partly in East and partly in West Yorkshire.

7. Where the district of a coroner is situate partly in East Yorkshire and partly in West Yorkshire, the election of such coroner shall be held by the sheriff within whose jurisdiction the largest part in area of such district is situate, and for all purposes relating to such election the whole of such district shall be within the jurisdiction of such sheriff alone, and be deemed to form part of his county.

Any dispute as to the county in which the largest part of a district in area is situate shall be determined by the court of gaol sessions of Yorkshire, whose decision thereon shall be final.

Time of Act taking effect.

8. This Act shall not apply to the sheriff who is sheriff of Yorkshire at the passing of this Act, or to any sheriff who may become sheriff of Yorkshire during the year of office current at the

passing of this Act, nor in any way affect the appointment, jurisdiction, or position of any such sheriff, but, subject as aforesaid, shall take effect in respect of the first assignment, nomination, appointing, and pricking of sheriffs which happens after the passing of this Act. A.D. 1869.

Custody of prisoners and execution of writs, &c. on sheriff of whole of Yorkshire quitting office.

9. For the purpose of the custody of the prisoners in the custody of the sheriff of Yorkshire (when he goes out of office and is succeeded by the sheriffs appointed in pursuance of this Act), and for the purpose of executing all writs and process then in his hands not wholly executed by him, and of winding up all other business relating to the whole of Yorkshire previously transacted by such sheriff, Yorkshire shall continue to form one county, and the two sheriffs appointed in pursuance of this Act shall, notwithstanding anything in this Act, be deemed jointly to be one sheriff, and to be the sheriff of the whole of Yorkshire, and shall for the purposes aforesaid appoint the same officers (including an undersheriff) have the same powers and jurisdiction, enjoy the same privileges, perform the same duties, be subject to the same obligations, disabilities, and penalties, and be in all respects in the same position, as if Yorkshire had not been divided by this Act, and they were the sheriff of the whole of Yorkshire, and lists of prisoners, writs, process, and particulars, and all prisoners, writs, and process, and all records, books, and matters appertaining to the office of sheriff of the whole of Yorkshire, shall be delivered, turned over, transferred, and signed accordingly.

When the purposes of this section are satisfied the records, books, and documents appertaining to the office of sheriff of the whole of Yorkshire shall be disposed of in such manner as the court of gaol sessions of Yorkshire may determine.

Short title.

10. This Act may be cited as "The County of York Sheriffs Act, 1869."

Sheriffs (York County).

A

BILL

For the Appointment of Two Sheriffs in the County of York.

(*Prepared and brought in by Mr. Knatchbull Hugessen and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed*, 3 *May* 1869.

[Bill 102.]

Under 1 *oz.*

A

B I L L

FOR

The amendment of "The Shipping Dues Exemption Act, 1867." A.D. 1869.

WHEREAS by the Shipping Dues Exemption Act, 1867, provision is made for the abolition of certain exemptions from local dues on shipping and on goods carried in ships, and for payment of compensation for such abolition: 30 Vict. c. 15.

And whereas the said Act contains the following provision; that is to say,

"With respect to determining the amount of compensation to "be paid under this Act, the following rules shall be observed:

"(1.) The claimant shall send to the receiver of dues, and to "the Board of Trade, in writing, his claim to compensa- "tion, stating the amount and grounds of his claim, and "shall give such evidence in support of his claim as the "Board of Trade may require:

"(2.) This claim shall be sent in to the Board of Trade within "three months after the commencement of this Act, and "if it is not sent in within that time the claimant shall "not be entitled to any compensation in respect of the "time prior to the date of the receipt of such claim by "the Board of Trade; and if it is not sent in within *one* "*year* after the passing of this Act the claimant shall "not be entitled to any compensation:

"(3.) As soon as may be after receiving such claim, the "receiver of dues shall agree with the claimant on the "amount of the compensation to be paid, and the times "and mode of such payment, but such agreement shall be "subject to the approval of the Board of Trade:"

And whereas in certain cases agreements for compensation have been made between the claimant and the receiver of dues within one year from the passing of the said Act, but the claims have by

A.D. 1869.

inadvertence not been submitted to the Board of Trade within that time:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Agreements for compensation made within one year from passing of recited Act, may be sent into Board of Trade within one year from passing of this Act.

1. That in any case in which any agreement for compensation under the said Act has been made within one year from the passing thereof, the same may be sent in to the Board of Trade within *one year* from the passing of this Act, and the Board of Trade may, if satisfied that the omission to send in the same to them has arisen from inadvertence, approve the same, and compensation shall thereupon be paid according to the terms of such agreement: Provided that no such compensation shall be paid in respect of any time prior to the date of such approval as aforesaid.

Construction and short title of Act.

2. This Act shall be construed with and as part of the Shipping Dues Exemption Act, 1866, and may be cited as the Shipping Dues Exemption Act Amendment Act, 1869.

Shipping Dues Exemption Act (1867) Amendment.

A

B I L L

For the amendment of "The Shipping Dues Exemption Act, 1867."

(*Prepared and brought in by Mr. Russell Gurney and Mr. William Cowper.*)

Ordered, by The House of Commons, *to be Printed*, 28 *June* 1869.

[Bill 184.]

Under 1 *oz.*

Special and Common Juries Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Commencement of Act.
2. Application of Act.
3. Short titles of certain Acts.
4. Construction of Act and repeal of inconsistent enactments.
5. Definitions.
6. Qualification of householders as jurors.
7. Qualification of special jurors.
8. Qualification of jurors in Wales.
9. Aliens to be qualified after ten years domicile, but not otherwise.
10. Trial de medietate linguæ abolished.
11. Persons exempt from serving on juries.
12. Convicts (exception), outlaws, &c., disqualified.
13. Justices to assign payment to overseers for making out jury list.
14. Overseers to specify special jurors in list.
15. Disqualification or exemption to be pleaded before revision of list.
16. Penalty on overseers for negligence.
17. Guardians to examine and certify jury lists before revision by justices.
18. Justices to certify jury lists after revision.
19. Overseers to report to under sheriffs quarterly of deaths or removal of jurors
20. Special jurors names to be retained in jurors book.
21. Special juries for London and Middlesex to be provided in the same manner as in the county.
22. Abolition of present practice of nominating special juries in London and Middlesex.
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34. Jury lists in the city of London to be made as before.
SCHEDULE.

A

B I L L

TO

Amend the laws regulating the qualification, summoning, attendance, and remuneration of Special and Common Juries in England and Wales. A.D. 1869.

Preamble. WHEREAS it is expedient to amend the laws regulating the qualification, summoning, attendance, and remuneration of special and common juries in England and Wales, and otherwise to amend the laws as to trials by jury in England and Wales: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Commencement of Act. **1.** This Act shall not come into force till the *second day of November One thousand eight hundred and sixty-nine.*

Application of Act. **2.** This Act shall not apply to Scotland or Ireland.

Short titles of certain Acts. **3.** The Acts herein-after mentioned may be cited for all purposes by the short titles following; that is to say,

An Act of the session of the sixth year of the reign of King George the Fourth, chapter fifty, and intituled "An Act for "consolidating and amending the Laws relative to Jurors "and Juries," by the short title of "The County Juries Act, "1825;"

this Act by the short title of "The Juries Act, 1869."

Construction of Act and repeal of inconsistent enactments. **4.** This Act shall be construed as one with "The County Juries "Act, 1825," and any Act amending the same; and such parts of the said Act and of any other Act or Acts as are inconsistent with this Act are hereby repealed.

Definitions. **5.** In this Act—

The term "overseers" shall include churchwardens, and the term "quarter sessions" shall include general sessions.

A.D. 1869.

Qualification of householders as jurors. 6 G. 4. c. 50. s. 1.

6. So much of the first section of the County Juries Act, 1825, as enacts that every man, except as is therein-after excepted, between the ages of twenty-one years and sixty years, who being a householder shall be rated or assessed to the poor rate or to the inhabited house duty in the county of Middlesex on a value of not less than thirty pounds, or in any other county on a value of not less than twenty pounds, shall be qualified, and shall be liable to serve on the juries in such section in that behalf mentioned is hereby repealed; and instead thereof it is hereby enacted, that every man, except as is herein-after excepted, between the ages of twenty-one years and sixty years, who being a householder, within any parish in England or Wales, wholly or in part within any town containing according to the census next preceding the preparation of the jury list *twenty thousand* inhabitants and upwards, shall be rated or assessed to the poor rate or to the inhabited house duty on a value of not less than *fifty pounds;* or who, being a householder within any other parish in England or Wales, shall be rated or assessed to the poor rate or to the inhabited house duty on a value of not less than *thirty pounds*, shall be qualified and shall be liable to serve on the juries in the first section of the County Juries Act, 1825, mentioned, and on any other juries or on inquests.

Qualification of special jurors.

7. Every man whose name shall be in the jurors book for any county in England or Wales, or for the county of the city of London, and who shall be legally entitled to be called an esquire, or shall be a person of higher degree, or shall be a banker or merchant, or who shall occupy a private dwelling house rated or assessed to the poor rate or to the inhabited house duty on a value of not less than *one hundred pounds* in a town containing according to the census next preceding the preparation of the jury list, *twenty thousand* inhabitants and upwards, or rated or assessed to the poor rate or to the inhabited house duty on a value of not less than *sixty pounds* elsewhere, or who shall occupy premises other than a farm rated or assessed as aforesaid on a value of not less than *two hundred pounds*, or a farm rated or assessed as aforesaid on a value of not less than *five hundred pounds*, shall be qualified and liable to serve on special juries in every such county in England and Wales, and in London respectively.

Qualification of jurors in Wales. 6 G. 4. c. 50. s. 1.

8. So much of the said first section of the County Juries Act, 1825, as relates to the qualification of persons as jurors in Wales is hereby repealed, and it is hereby enacted, that the qualification of persons as jurors in Wales shall be the same as the qualification of persons as jurors in England.

A.D. 1869.

Aliens to be qualified after 10 years domicile, but not otherwise.

9. Aliens having been domiciled in England or Wales for *ten* years or upwards, if in other respects duly qualified, shall be qualified and shall be liable to serve on juries or inquests in England and Wales as if they had been natural-born subjects of the Queen; but, save as aforesaid, no man not being a natural-born subject of the Queen shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

Trial de medietate lignuæ abolished.

10. No alien shall be entitled to claim to be tried by a jury de medietate linguæ.

Persons exempt from serving on juries.

6 G. 4. c. 50. s. 2.

25 & 26 Vict. c. 107. s. 2.

11. The inhabitants of the city and liberty of Westminster shall, as heretofore, be exempt from serving on any jury at the sessions of the peace for the county of Middlesex.

The persons described in the schedule hereto shall be severally exempt from being returned to serve and from serving upon any juries or inquests whatsoever, and their names shall not be inserted in the lists of the persons qualified and liable to serve on the same, but, save as aforesaid, no man otherwise qualified to serve on such juries or inquests shall be exempt from serving thereon, any enactment, prescription, charter, grant, or writ to the contrary notwithstanding.

Convicts (exception), outlaws, &c. disqualified.

12. Provided always, and it is hereby enacted, that no man who has been or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry or excommunication, is or shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

Justices to assign payment to overseers for making out jury lists.

13. There shall be awarded by way of remuneration to the overseers of the parishes and townships situate in each county, riding, and division of a county, such sum of money for making out the lists of persons within their respective parishes and townships qualified to serve as jurors, as may from time to time be determined by the justices of such county, riding, or division of a county in quarter sessions assembled, with the consent of one of Her Majesty's principal Secretaries of State. Such remuneration shall be distributed among the overseers of each parish and township in each county, riding, and division of a county, as nearly as may be according to the proportion which the number of persons qualified to serve as jurors in the parish or township in respect of which the payment is made bears to the total number of persons specified in the jurors book for the county, riding, or division of a county in which such parish or township is contained.

A.D. 1869.

An account of the remuneration so payable to the overseers of each parish or township in each county, riding, or division of a county, shall be laid by the clerk of the peace of such county, riding, or division before the justices assembled at the next quarter sessions held after the jurors book has been made out, and the said justices, after allowance of the said account, shall make their order for the payment thereof, or of so much thereof as they may allow to the overseers of each parish or township in such county, riding, or division, and such payment shall be made accordingly out of the county rate of the said county, riding, or division.

Overseers to specify special jurors in list.

14. In making out the lists of persons within their respective parishes and townships qualified to serve as jurors, the overseers shall specify which of such persons are, in the judgment of such overseers, qualified as special jurors and the natures of their qualifications respectively.

Disqualification or exemption to be pleaded before revision of list.

15. No person whose name shall be in the jury book as a juror shall be excused from attendance on the ground of any disqualification or exemption not claimed by him at or before the revision of the list by the justices of the peace, and a notice to that effect shall be printed at the bottom of every jury list.

Penalty on overseer for negligence.

16. If any overseer, without reasonable excuse to be allowed by the justice or justices having cognizance of the case, insert in the list of persons qualified to serve as jurors prepared by him the name of any person whose name ought not to have been inserted therein, or omit therefrom the name of any person whose name ought not to have been omitted, he shall, on summary conviction, be liable to a penalty for each offence not exceeding *forty shillings*.

Guardians to examine and certify jury lists before revision by justices.

17. Previously to any list of jurors being produced for revision to the justices of the peace, as provided by the tenth section of the County Juries Act, 1825, the same shall be examined by the guardians of the poor of the parish to which the same shall apply, who shall certify in writing under their hands at the foot of such list that they have examined the same, and shall specify any errors or omissions in their opinion existing therein, including any errors or omissions as to special jurors or the qualifications of persons marked or omitted to be marked as special jurors, but such guardians shall not be at liberty to alter any such list.

Justices to certify jury lists after revision.

18. Upon completing the revision of the jury lists, the justices at petty sessions shall certify in writing that they have examined such lists and that the same are, to the best of their knowledge and belief, true and proper lists of the special and common jurors; and

the decision of such justices as to the qualifications of persons marked as special jurors in the lists so revised by them shall, as respects those lists, be final. A.D. 1869.

Overseers to report to under sheriffs quarterly of deaths or removal of jurors.

19. It shall be the duty of the overseers on every first day of January, first day of April, first day of July, and first day of October, or within one week next before or after each of those days respectively, to send to the offices of the under sheriffs of their respective counties lists in writing, and to be signed by such overseers, of all persons whose names were on the last revised jurors lists, and who shall have died or shall have ceased to reside in their respective parishes or townships, and the said under sheriffs shall amend the list of jurors accordingly.

Special jurors' names to be retained in jurors book.

20. And whereas by the thirty-first section of "The County Juries Act, 1825," it is enacted, that "the sheriff of every county "in England and Wales or his under sheriff, and the sheriffs of "London or their secondary, shall, within ten days after the "delivery of the jurors book for the current year to either of them, "take from such book the names of all men who shall be described "therein as esquires, persons of higher degree, or as bankers or "merchants:" Be it enacted, that nothing in the said section contained shall be deemed to authorize the said sheriffs or any of them, or any under sheriff, or any secondary, to remove from the jurors book the name of any person by reason of his being therein described as an esquire or person of higher degree, or as a banker or merchant.

Special juries for London and Middlesex to be provided in the same manner as in the county. 15 & 16 Vict. c. 76. s. 108.

21. In London and Middlesex, on the occasion of any sittings of the superior courts of common law, or any of them, for the trial of issues, a sufficient number of special jurymen, not less than *thirty* for each court, shall be summoned to try the special jury causes triable at such sittings.

The said jurymen shall be summoned in pursuance of a precept under the hand of any one of the judges of the said superior courts in the same manner in all respects in which special jurymen are summoned in pursuance of precepts issued by the judges of assize.

The persons summoned in pursuance of such precept shall be the jury for the trial of special jury causes at such sittings in the said courts respectively, subject to such right of challenge as the parties shall be entitled to.

A printed panel of the jurors so summoned shall be made and kept, and a copy thereof delivered and annexed to the nisi prius record at the like time, in the same manner, and upon the same terms as are by law prescribed with reference to the panel of common jurors in the case of London and Middlesex. 15 & 16 Vict. c. 76. s. 107. 6 G. 4. c. 50. s. 26.

A.D. 1869.

Upon the trial the special jury shall be ballotted for and called in the order in which they are drawn from the box in the same manner as common jurors.

Any special juryman summoned to serve in any one of the said superior courts shall be qualified and be liable, in case of necessity, to serve in any other of the said courts as if he had been originally summoned as one of the jurymen for the trial of special jury causes in such last-mentioned court.

Abolition of present practice of nominating special juries in London and Middlesex. 6 G. 4. c. 50. s. 32.

22. The present practice of nominating and reducing special jurors in London and Middlesex shall cease to be followed as regards the trial of any cause at any of the said sittings of the said courts, subject to this proviso, that any of the said superior courts or any judge thereof may, if it seem expedient, order that a special jury be struck according to the present practice, and such order shall be a sufficient warrant for striking such jury and making a panel thereof for the trial of the particular cause.

Mode of obtaining special jury in London and Middlesex.

23. In London and Middlesex, subject to any rules which may be made by any of the superior courts of common law in that behalf, any party to any action triable at any of the aforesaid sittings of the superior courts of common law, shall be entitled to have the cause tried by a special jury upon the same conditions as would entitle him to have it so tried in any county other than London and Middlesex.

15 & 16 Vict. c. 107. s. 109.

In London and Middlesex every court or judge shall have the same power of ordering that a cause be tried by a special jury as the like court or judge would have if the cause were tried in any county other than London and Middlesex.

Summoning of jurors.

24. The following regulations shall be enacted with respect to the summoning of jurors:

1. The persons whose names shall be in the jury book as liable to serve as jurors, whether qualified or not to serve as special jurors or grand jurors, shall, so far as possible, be summoned in rotation to serve on common juries, and the whole list of such persons shall, so far as possible, be exhausted before any person once summoned be summoned a second time to serve on a common jury.
2. No person shall be exempted from serving as a common juror by reason of his being on any special jurors list, or being qualified to serve as a grand juror.
3. Service on any one of the three following classes of juries, namely, common juries, special juries, and grand juries,

shall, in so far as relates to the liability to be summoned as a juror, be reckoned as service in any other of the said classes.

4. Save as aforesaid, nothing herein contained shall affect the liability of a person whose name is on any special jurors list to be summoned as a special juror, or the liability of a person who is qualified to serve on any grand jury to be summoned as a grand juror.

5. No person shall be summoned or liable to serve as a juror in more than one court on the same day, nor to attend on a jury summons for more than six week days at a time; and every form of jury summons shall specify the six consecutive week days within which the summons shall be in force.

6. If the sheriff or summoning officer, without reasonable excuse to be allowed by the justice or justices having cognizance of the case, make default in observing any of the rules or regulations of this Act as to summoning juries, he shall, on summary conviction, be liable to a penalty for each offence not exceeding forty shillings.

Jurors entitled to six days notice. 6 G. 4. c. 50. s. 25. 25 & 26 Vict. c. 107. s. 11. 6 G. 4. c. 50. ss. 38, 54.

25. No juror shall be liable to any penalty for non-attendance on any jury unless the summons requiring him to attend be duly served six days at least before the day on which he is required to attend, but no longer period than such six days shall in any case be required between the service and such last-mentioned day.

Special jurors to be fined 10*l.* for non-attendance.

26. All special jurors summoned and not in attendance when called shall pay, as of course, unless excused, a fine of *ten* pounds, and such fine shall not be remitted or reduced except for cause shown.

Sheriff to make regulations as to attendance.

27. It shall be lawful for any sheriff or other officer to whom any precept for summoning jurors shall be addressed, with the consent of the person or persons by whom such precept shall have been issued, to make regulations as to the attendance of jurors during the time for which they shall be summoned, and in particular as to the days on which, and the time during which, they are to attend.

Such regulations may be sent to any juror, together with the summons requiring him to attend on any jury, and when so sent shall be deemed to be part of such summons.

A.D. 1869.

Each party may challenge six, or by leave, more jurors.

28. It shall be lawful for each party to any trial of every description, both civil and criminal, to challenge as many as six, or by leave of the judge, a greater number of jurors. In all cases, the right of challenge shall be exercised by delivering to the associate, immediately before the trial is called on, a list of the names objected to.

Tales not to be demanded as of right. Judge may direct trial to proceed with not less than nine special jurors.

29. In special jury cases where a full available special jury are not in attendance a tales shall not be demanded as of right, but shall only be allowed either by leave of the judge or by consent. In case of the non-attendance of a full special jury, the judge shall have power to direct the trial to proceed with not less than nine jurors, being special jurors, or to direct additional jurors, qualified to act as special jurors, to be obtained from another panel or otherwise.

On death, illness, or absence of jurors, trial may proceed.

30. In the event of the death, illness, or default of attendance of any juror or jurors during any trial, civil or criminal, the judge shall have power, if he think fit, to allow the trial to proceed; and the verdict of the remaining jurors shall be a sufficient verdict, provided that such remaining jurors be not less than nine in number.

Payment of jurors.
Sir W. Erle; evidence 1083.
6 G. 4. c. 50. s. 35.

31. Jurors shall be entitled to the following remuneration for their services; that is to say,

Every special juror, when summoned for the purpose of trying special jury cases, at the rate of *one pound one shilling* for every day of his attendance.

The remuneration of a juror, when trying common jury cases, shall be at the rate of *ten shillings* for every day of his attendance.

The above-mentioned remuneration shall be paid by the parties to the causes to be tried, and for that purpose each of the said parties shall deposit such sum of money as may be determined by any rule of the court in which the cause is depending; and such deposit shall be made in such manner, at such time, and with such officer as the said court may prescribe.

Jurors to be allowed fire and refreshment.

32. Jurors, after having been sworn, may in the discretion of the judge at whose court they shall be in attendance, be allowed the use of a fire when out of court, and be allowed reasonable refreshment, such refreshment to be procured at their own expense.

A.D. 1869.

Judges to make general orders.

33. The judges of Her Majesty's superior courts of common law are hereby empowered by general orders to make rules, not inconsistent with this Act, for the purpose of carrying out the several provisions of this Act.

Jury lists in the city of London to be made as before.

6 G. 4. c. 50. s. 50.
25 & 26 Vict. c. 107. s. 15.

34. This Act shall not alter or affect the mode of procedure pursued in the making out of jury lists for the city of London.

SCHEDULE.

Persons exempt from serving on Juries.

Peers.

Members of Parliament.

Judges.

Clergymen.

Roman Catholic priests.

Ministers of any congregation of Protestant dissenters whose place of meeting is duly registered, provided they follow no secular occupation except that of a schoolmaster.

Serjeants and barristers-at-law, if actually practising.

Members of the Society of Doctors of Law and advocates of the civil law, if actually practising.

Attornies, solicitors, and proctors, if actually practising and having taken out their annual certificates, and their managing clerks.

Officers of the courts of law and equity, and of the Admiralty and Ecclesiastical Courts, if actually exercising the duties of their respective offices.

Coroners.

Gaolers and keepers of houses of correction, and all subordinate officers of the same.

Members and licentiates of the Royal College of Physicians in London, if actually practising as physicians.

Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, if actually practising as surgeons.

Apothecaries certificated by the Court of Examiners of the Apothecaries Company, and all registered medical practitioners and registered pharmaceutical chemists, if actually practising as apothecaries, medical practitioners, or pharmaceutical chemists respectively.

Officers of the navy, army, militia, and yeomanry, when on full pay.

The master, wardens, and brethren of the Corporation of Trinity House of Deptford Strond, and their clerks, officers, and servants.

Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in

the buoy and light service employed by either of those corporations, and all pilots licensed under any Act of Parliament or charter for the regulation of pilots.

The household servants of Her Majesty, her heirs and successors.

Commissioners of property and income tax.

Officers of the Post Office and of the Customs and Excise.

Sheriffs officers and high constables.

Officers of the rural and metropolitan police.

Special and Common Juries.

A

B I L L

To amend the Laws regulating the qualification, summoning, attendance, and remuneration of Special and Common Juries in England and Wales.

(*Prepared and brought in by Viscount Enfield, Mr. Headlam, and Mr. Denman.*)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1869.

[Bill 175.]

Under 2 *oz.*

A

B I L L

TO

Facilitate the taking Special Bails in Civil Proceedings depending in the Superior Courts of Law at Westminster, and in Proceedings in Error and on Appeal. A.D. 1869.

WHEREAS it is expedient to increase the number of persons authorized to take special bails in actions and civil proceedings depending or to be depending in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster, and in proceedings in error or on appeal arising out of any such actions or proceedings:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Persons authorized to take affidavits in common law courts may also take bails.

1. All persons empowered to take affidavits under any commission now issued or hereafter to be issued under the authority of the Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for taking affidavits in the country, "to be made use of in the Courts of King's Bench, Common Pleas, "and Exchequer," whether they are or are not attorneys or solicitors, shall and may exercise all the powers which by the Act passed in the fourth year of the reign of King William the Third and Queen Mary, intituled "An Act for taking special bails in the country "upon actions and suits depending in the Courts of King's Bench, "Common Pleas, and Exchequer at Westminster," and by the Act passed in the sessions of Parliament holden in the first and second years of our said lady the Queen, intituled "An Act to extend the "jurisdiction of the judges of the superior courts of common law, "to amend chapter fifty-six of the first year of Her present "Majesty's reign, for regulating the admission of attorneys, and "to provide for the taking of special bail in the absence of the "judges," are given to persons by the commissions issued under those Acts or either of them; and such of the enactments of the

A.D. 1869.

said Acts of the reigns of William and Mary and of Her present Majesty as are now unrepealed shall apply to commissions issued under the said Act of the reign of Charles the Second, and the persons empowered by those commissions, whether they are or are not attorneys or solicitors, in like manner and to the like extent as if the commissions issued under the said Act of Charles the Second were commissions issued under the said other Acts respectively. And the persons to whom commissions are issued under the said Act of the reign of Charles the Second, under the seal of the Court of Exchequer, may also take recognizances of every kind and all bail, as well in error as otherwise, on the revenue side of the Court of Exchequer, and the said Act of the reign of William and Mary, so far as the same is not repealed, shall apply and extend to the last-mentioned recognizances and bail when so taken.

Interpretation of "bail."

2. The word "bail" in the said Acts of the reigns of William and Mary, and Her present Majesty, as applied to this Act, shall include bail in error, and bail on any appeal arising out of any action or civil proceeding in any of the said courts.

Of fees.

3. The commissioners empowered by this Act may demand and receive for any services the same fees as are payable to commissioners under the said Act of William and Mary for similar services, or such fees as any three judges of the superior courts of law at Westminster, or the Lords of Her Majesty's Treasury, may hereafter authorize to be taken.

Rules and practice.

4. The rules and practice of the said courts now in force or hereafter to be made relating to bail shall, so far as they are applicable, apply to all proceedings under this Act.

Attorneys not to exercise powers of this Act in cases where interested.

5. No attorney or solicitor shall exercise any of the powers given by this Act in any proceeding in which he is the attorney or solicitor of any of the parties to that proceeding or in which he is interested.

Short title.

6. This Act may be cited as "The Bails Act, 1869."

Special Bails.

A

B I L L

To facilitate the taking Special Bails in Civil Proceedings depending in the Superior Courts of Law at Westminster, and in Proceedings in Error and on Appeal.

(*Prepared and brought in by Mr. Hadfield and Mr. Denman.*)

Ordered, by The House of Commons, *to be Printed,* 11 *June* 1868.

[Bill 162.]

Under 1 *oz.*

A

B I L L

FOR

Amending the law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as The Stannaries Act, 1869. Short title.

2. In this Act— Interpretation.

The term "the stannaries" means the stannaries of Devon and Cornwall :

The term "the vice-warden" means the vice-warden of the stannaries :

The term "the court" means the court of the vice-warden :

The term "the registrar" means the registrar of the court :

The term "company" includes any persons or partnership body working a mine in the stannaries :

The term "purser" means the purser for the time being of a company having a purser, and if there is no purser, then the secretary for the time being, or if there is no secretary, then the principal financial agent for the time being of a company :

The term "cost book" includes all books and papers relating to the business of a mine, which are for the time being kept by a purser, or which, according to the custom of the stannaries, or the directions of the company, ought to be kept by him.

3. This Act extends only to mines within the stannaries, and subject to the jurisdiction of the court, or within the cognizance of the vice-warden. Extent of Act.

A.D. 1869.

Application of Act.

4. Nothing in this Act applies to companies registered under the Companies Act, 1862, except where such companies are expressly mentioned.

PART I.

Meetings and proceedings generally.

Majority in value at meeting to bind.

5. Except as otherwise provided by this Act, or by the conditions, rules, or regulations of any company, a resolution passed at a meeting of the company, by the votes of a majority in value of such of the shareholders as are present in person or represented by proxy at the meeting, shall be deemed the resolution of the meeting, but nothing in this clause shall authorize any ordinary meeting to transact any business which an ordinary meeting could not transact at the time of the passing of this Act, except as is herein-after provided in clauses 11, 12, and 13.

Proceedings with special notice.

6. Where anything to be done by a company is by this Act required to be done at a meeting with special notice, it shall not be valid if done otherwise than at a meeting notice whereof is served on the several shareholders ten clear days at least before the day of the meeting, specifying the place, day, and hour of meeting, and the business to be transacted thereat, or so much thereof as is required to be done with special notice.

Definition of special resolution.

7. A resolution passed by a company shall be deemed a special resolution within this Act when it has been passed at a meeting with special notice, and has been confirmed at a subsequent meeting with special notice; the last-mentioned meeting being held not less than fourteen days and not more than one month after the meeting at which the resolution was first passed.

Regulations by special resolution.

8. A company may, by special resolution, from time to time alter the conditions, rules, and regulations for the time being by custom or otherwise governing the company, and make new or additional conditions, rules, or regulations in that behalf; and any conditions, rules, or regulations so made by special resolution shall be of the like validity and effect as if they had been entered in the cost book on the original formation of the company, subject to alteration by subsequent special resolution; but nothing in this Act shall authorize a company to make conditions, rules, or regulations inconsistent with the provisions of this Act.

Service of notices.

9. A notice to be served by a company for any purpose of this Act on a shareholder shall be served personally, or shall be served by prepaid letter sent by post addressed to him at his address entered in the cost book, in which case the notice shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of the post; and in proving such service it shall be sufficient to prove that the letter was properly addressed and prepaid, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of the post.

As regards a company existing at the passing of this Act, the address of a shareholder as known to the purser at the passing of this Act shall be and remain entered in the cost book as his address, unless and until he gives notice in writing to the contrary; and as regards any company, no address shall be recognized except an address within the United Kingdom.

Accounts, &c.

Entry of accounts, &c.

10. Each purser shall, once at least in every four months, truly enter in the cost book of the company accounts showing the actual financial position of the company at the time of entry, including accounts of the assets, credits, and liabilities, distinguishing in such account of assets the amount of calls paid and calls not paid, with cash accounts, and accurate lists of all the shareholders for the time being in the company, with their respective addresses, corrected from time to time as occasion requires, and all other accounts, documents, and things which the purser is for the time being required to enter therein by the custom of the stannaries, or by the directions of the company.

Calls.

Audit and call.

11. At any meeting of a company the accounts of the company may be audited, and a call may be made.

Call for prospective expenses.

12. A call may be made by a company for the purpose of defraying the whole or any portion of the estimated expenses to be incurred at any time within three months after the date of the meeting at which the call is made.

Interest on calls.

13. If a call payable in respect of a share is not paid within one month from the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest on the amount of the call at the rate of five pounds per centum per annum from the expiration of that month to the time of actual payment.

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Transfer of shares.

Calls due at transfer.

14. A company shall not be bound to recognize a transfer of a share until all calls made in respect of such share, with interest and expenses, have been paid.

Transfer of fractional parts of shares.

15. A company shall not be bound to recognize the transfer of a fractional part of a share.

Forfeiture of shares.

Notice on failure to pay call.

16. If a shareholder fails to pay a call on the day appointed for payment thereof, the company may at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such nonpayment, and stating to the effect that in the event of nonpayment in accordance with the notice the share in respect of which such call was made will be liable to be forfeited.

Forfeiture on failure to pay.

17. If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof has been made, be forfeited by a resolution of the company to that effect passed at a meeting with special notice.

Sale of forfeited shares.

18. Any share so forfeited shall be carried to an account to be called "The Account of Forfeited Shares," and shall be deemed to be the property of the company, and shall be sold by public auction as the company direct, and if there are more shares than one then separately or together; and any shareholder may purchase any such share.

Restriction on sale.

19. Where a shareholder fails to pay a call in respect of more shares than one the company shall not sell more of his shares than shall be sufficient (as nearly as can be ascertained at the time of sale) to pay all calls, interest, and expenses payable on or in respect of his shares at the time of forfeiture, and expenses attending the forfeiture and the sale; and if the proceeds of any such sale are more than sufficient to pay all calls, interest, and expenses as aforesaid, the surplus shall, on demand, be paid to the person whose shares are forfeited.

On payment of calls, shares to revert.

20. If, before any share so forfeited is sold by the company, all calls, interest, and expenses payable to the company on or in respect of the same are paid, then the share shall revert to the

person to whom it belonged before the forfeiture, and shall belong to him as if the calls thereon had been originally duly paid. A.D. 1869.

Evidence of forfeiture, &c.

21. A statutory declaration in writing by the purser of a company that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by resolution of the company to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such declaration, and the receipt of the purser for the price of such share, shall constitute a good title to such share, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

Payment notwithstanding forfeiture.

22. Any shareholder whose share has been forfeited shall nevertheless be liable to pay all calls, interest, and expenses payable on or in respect of the same at the time of forfeiture.

Relinquishment of shares.

Disposal of relinquished shares.

23. Where a share in a company is relinquished, it shall be carried to an account to be called "The Account of Relinquished Shares," and shall be deemed to be the property of the company, and may be disposed of as the company direct, either according to the custom of the stannaries or otherwise, and any shareholder may purchase any such share if sold; but if any such share is not sold or otherwise disposed of by the company within six months from the date of relinquishment, it shall cease to exist in accordance with the custom of the stannaries.

Relinquishment of fractional parts of shares.

24. A company shall not be bound to recognize the relinquishment of a fractional part of a share.

Evidence of relinquishment, &c.

25. A statutory declaration in writing by the purser of a company that a share has been relinquished shall be sufficient evidence of the facts therein stated as against all persons interested in the share, and that declaration, and the receipt of the purser to a purchaser of the share for the price thereof, shall constitute a good title thereto, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder thereof, discharged from all unpaid calls, interest, and expenses due to the company in respect thereof accrued before his purchase, and he shall not be bound to see to the application

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of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

Enforcement of claims.

Recovery of calls, &c.

26. All money payable by a shareholder to a company in pursuance of the customary or other conditions and regulations of the company, becoming due after the passing of this Act, shall be deemed to be a debt due from the shareholder to the company, and shall be recoverable on behalf of the company by action, suit, or other fit proceedings by the person who is purser at the time when proceedings for recovery thereof are instituted; and in case of a change of purser pending the proceedings, the name of the purser for the time being may, by leave of the court in which the proceedings are pending, or of a judge or a proper officer thereof, be substituted for that of a person ceasing to be purser by death, resignation, or otherwise.

Sale of mine.

Power of sale of mine &c., as going concern.

27. Without prejudice to the landlords, lessors, or others having any estate, charge on, or interest in the land in which the mine is situate, or to the creditors, and their customary lien on the saleable machinery and materials belonging to the company, a mining company shall have power, by a special resolution passed at a special meeting so constituted and convened as above provided in this Act, to which three fourths in value of the shareholders shall have consented, either in writing or at the meeting, to sell and dispose of the machinery and materials belonging to the company, with or without the legal or equitable interest of the company in the leases or sett on which the mine is worked, as a going concern, provided that every such sale shall be by public auction, and that due notice of the intended sale be given by public advertisement in some local newspaper, and in some public journal or newspaper specially relating to mining companies, for four successive weeks before the sale, and that nothing in this section shall authorize such a sale in the case of a mine in which a profit has been made within the twelve months next preceding the day of sale, as appearing from the accounts of the mine.

Winding up.

Limitation of liability of past shareholders.

28. On a company being wound up in the court of the vice-warden or any other court, a former shareholder shall not be liable to contribute to the assets of the company if he has ceased to be a shareholder for a period of two years or upwards before the com-

pany has ceased to carry on business, or before the commencement of the winding-up. A.D. 1869.

Wages of miners, &c.

29. On a company formed for or engaged in working a mine (including a company registered under The Companies Act, 1862), being wound up in the court of the vice-warden or any other court or otherwise, the commencement of the winding-up having been not earlier than two months after the passing of this Act, then and in every such case the amount (if any) due at the commencement of the winding-up to agents, clerks, miners, labourers, and others employed, wholly or in part, in or about the mine, in respect of their salaries and wages or other earnings in relation to the mine, not exceeding three months salary, wages, or earnings to each such person, shall be paid in priority to all other debts of the company.

Affidavits used in the court.

30. Whereas since the passing of the Act eighteen Victoria, chapter thirty-two, for amending and extending the jurisdiction of the court of the vice-warden, and of the Companies' Act, 1862, the experience of the court has suggested the expediency of some amendment of the provisions of those Acts, so far as they relate to the stannaries and the jurisdiction thereof: Be it enacted, that all affidavits, affirmations, and declarations shall be available in suits, causes, and matters in the court of the vice-warden, although not sworn, made, and taken by or before a commissioner of that said court; provided the same shall have been sworn, made, or taken by or before any commissioner authorized to administer oaths in the superior courts of equity or of common law in England or Ireland, or in the Isle of Man or the Channel Islands, or by the officers exercising like powers to administer oaths in Scotland, or by any of the courts, judges, or other persons having like authority in the dominions of the crown beyond seas, or in foreign parts, specified or described in the Act fifteen and sixteen Victoria, chapter eighty-six, section twenty-two, and the Act sixteen and seventeen Victoria, chapter seventy-eight; and the vice-warden or registrar of his court shall, on the production before him of such affidavits, affirmations, or declarations, purporting to be duly and regularly sworn, made, and taken by any of the courts or persons herein-before referred to, presume the same to have been so sworn, made, and taken, unless the contrary be proved to his satisfaction; and in case of wilful and corrupt false swearing, affirming, or declaring in such document so produced, or of the production or use by any party of such document, knowing the same to be a forged or spurious one, the offender shall be liable to all the penalties, punishments, and consequences specified in sections twenty-three and twenty-four of the Act fifteen

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and sixteen Victoria, chapter eighty-six: Provided also, that all lawful fees due and demandable upon swearing, making, or taking such affidavits, affirmations, or declarations, by or before any of the courts or persons above referred to, shall be paid or tendered to such court or person by the party applying for such document.

No demand necessary before enforcing order to pay, produce, or deliver.

31. Whenever a decree or order of the court of the vice-warden for payment of money, or production or delivery up of any books, papers, deeds, or accounts, or the delivery up of property, real or personal, shall have been made in a suit or matter whereof the said court has cognizance, no formal demand shall be necessary, but the person or party who shall have been so decreed or ordered to pay such money, or produce or deliver up such documents or property, on being duly served with such decree or order, shall be bound to obey the same, and process shall thereupon issue to enforce performance, without further special application to the vice-warden.

Enforcing process through the registrar of a county court.

32. In enforcing execution of any judgment, decree, or order of the court of the vice-warden by writ sent to the registrar of any county court under section nine or ten of Act eighteen Victoria, chapter thirty-two, the person or party entitled to recover any monies awarded to him by such judgment, decree, or order may issue such process to the county court, although the sum sought to be recovered may exceed the sum of fifty pounds, provided the sum do not exceed three hundred pounds, including the costs of applying to the court for leave to issue such execution, where such leave shall be necessary by the rules of the court; and such process shall hereafter be available to any party entitled to levy such money, not exceeding the said sum of three hundred pounds, by a like writ of execution sent to the registrar of any county court within the stannaries, as well as beyond the stannaries; subject, however, to the payment of all lawful fees for execution in such county court, and subject in other respects to the provisions of sections nine and ten of the Act last above mentioned, except that the judge of a county court within the stannaries may remit any claim of interpleader arising on the execution of such writ for determination of the court of the vice-warden.

Execution of process of attachment within the district of the stannaries of Cornwall and Devon.

33. If any person residing or being within the jurisdiction of the stannaries shall be in contempt for disobedience of any order of the court of the vice-warden other than the payment of money, and be thereupon attached by the bailiffs of the court, or by a messenger or messengers of the court specially named or appointed

by the court for execution of the writ of attachment issued by the court, such bailiffs or messengers shall forthwith take into their custody the person so attached, and bring him with all convenient speed to Truro, there to be examined by or before the vice-warden, if he shall then be sitting at Truro, or before the registrar of the court, touching the matter of his alleged contempt; and upon such examination the vice-warden or registrar shall, if the offender shall have sufficiently cleared himself of the contempt, discharge him out of custody, or if he shall not have so cleared himself, shall commit him to the common gaol at Bodmin, or, in case of contempt within the stannaries of Devon, to the borough gaol at Plymouth, there to remain until he shall have submitted to the order of the court, or be otherwise discharged in due course of law; and such writ of attachment, and any commitment thereon, shall issue in the name of the lord warden of the stannaries, with the seal of the court attached.

Service of process, &c. beyond the stannaries.

34. Whereas the service of process on the common law side of the court of the vice-warden in any part of England, without the special order of the vice-warden, has been found inconvenient, and in some cases liable to abuse: Be it enacted, that no such service of process out of the limits of the stannaries, in suits or plaints on the common law side of the court, shall hereafter be effected without the special order of the vice-warden, made on a statement of the nature and object of such suit or plaint; except in the case of actions of ejectment brought under the authority of section fifteen of the Act eighteen Victoria, chapter thirty-two.

On appeals to the lord warden, a deposit to be made.

35. In all cases of appeals against any judgment, decree, or order of the court of the vice-warden, besides the bond to the registrar of the court required by the Act eighteen Victoria, chapter thirty-two, section twenty-six, a deposit of twenty pounds shall be made in the hands of the registrar of the court, to be paid to the opposite party when the judgment, decree, or order is not reversed or varied in any material point, unless the court shall otherwise direct; and if the appeal against any decree or order be prosecuted in the name or on the behalf of any registered company with limited liability, the registrar of the court may require that a sufficient surety be joined as co-obligor in the bond which the appellant is bound to give in such case, who shall be personally liable to pay the taxed costs of the appeal to the extent of fifty pounds, if the judgment, decree, or order be not reversed or varied in any material point; and the appellant shall also deposit in the

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hands of the registrar the sum of twenty pounds, payable as hereinabove directed in the case of ordinary appeals.

Duties of registrar in liquidation of a company.

36. Where an order is made for the winding up a mining company in the court of the vice-warden, whether the same be a registered or an unregistered company, and no official liquidator is appointed, the registrar of the court shall have authority, with the sanction of the vice-warden, to perform all the ordinary duties of an official liquidator, and to exercise all the powers assigned by the Companies' Act, 1862, to such liquidator, so far as such duties or powers are not incompatible with his official duties as registrar of the court.

Provided always, that the registrar shall not in such case be called upon to give any such security as may be required of an official liquidator under section ninety-two of the last-mentioned Act, nor be entitled to any remuneration for the performance of the said duties, other than the salary now received by or that may hereafter be assigned to him in his official character of registrar; nor shall it be necessary for him to use the name or style of official liquidator, nor any other style than that of registrar of the court, unless it shall become necessary for him to take out letters of administration to any deceased contributory; and in proving a debt due from any contributory who shall have become a bankrupt within the intent and meaning of section eighty-seven of the Companies' Act, 1862, a certificate of the debt signed by the registrar, with the seal of the court attached, shall be accepted in the Court of Bankruptcy as sufficient proof of such debt as against the estate of the bankrupt, without requiring the oath or affidavit of the registrar.

Provided also, that the registrar in the performance of such duties and exercise of such powers shall not be liable to any penalty prescribed by the said Companies' Act, 1862, and imposed on official liquidators as such, or become personally liable in respect of any act done or proceeding taken by him by the order or authority or with the sanction of the vice-warden acting in his judicial character.

Attachment of debt due to a contributory on winding up.

37. In cases where several mining companies are in course of liquidation by or under superintendence of the court of the vice-warden, if it shall appear to the vice-warden that a person who is a contributory of one of the said companies is also a creditor claiming a debt against one of the other companies, the vice-warden may, in his discretion, and after due inquiry into the facts, direct

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that the said debt, when allowed, shall be attached, and payment thereof to the creditor suspended for a time certain, as a security for payment of all or any calls that are or may in course of liquidation become due from him to the company of which he is a contributory; and the amount thereof shall be applicable and applied to such payment in due course; provided that no such order of attachment shall prejudice any claim which the company so indebted to him as creditor may have against him by way of set-off, counterclaim, or otherwise, or any lawful claim of lien or specific charge on the said debt in favour of any third person.

Fraudulent transfers of shares.

38. A transfer of shares made for the purpose of getting rid of the further liability of a shareholder, as such, for a nominal or no consideration, or to a person without any apparent pecuniary ability to pay the reasonable expenses of working a mine, or to a person in the menial or domestic service of the transferror, shall be presumed to be a fraudulent transfer, and need not be recognised by the company, or by the court on the winding-up of the company, whether the company be a registered or unregistered company.

Jurisdiction to restrain sales of setts.

39. The jurisdiction of the court to grant injunctions restraining sales of machinery and other effects on mines is hereby extended so as to authorize the granting of injunctions restraining sales of setts where equity so requires, and the jurisdiction conferred by this section may be exercised in creditors' suits, or on the application of a shareholder in a company.

Issuing injunction orders by the registrar in certain cases.

40. It shall be competent for the registrar of the court, on the application of either a creditor or shareholder, to issue injunction orders on customary creditors' suits pending in the court, and to forbid the sale of setts, leases, machinery, or other effects on or belonging to the mine on the usual allegation of urgency, or to issue such orders in other cases of like urgency or imminent waste or damage to property; and in such cases the party or parties so enjoined may appear and show cause before the registrar, and apply to him to suspend or dissolve the order; but such application to the registrar shall not be exclusive of the existing power of the vice-warden to issue such orders, though he may not then be sitting within the jurisdiction of the stannaries, nor prevent him from the reconsidering the order of the registrar, on the motion or complaint of the parties interested in it.

Hearing of petition for winding-up.

41. The provision of section eighty-three of the Companies' Act, 1862, contained in second paragraph thereof, shall be amended and read as follows; namely, that the vice-warden of the stannaries

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may direct that petitions to wind up a company be heard by him at such time or place as he may think fit within the jurisdiction of the stannaries, or within or near to the place where the registered or other chief office of the company is situate, or if such office be distant one hundred and fifty miles or more from Truro (measured by the public railways), then in London or Westminster; or with the consent of the party or parties petitioning, and of the company represented by its secretary, purser, or other proper officer, the hearing may be in any part of England; and all orders made by the vice-warden on such hearing in any of the above cases shall be as valid and effectual as if they had been made at Truro.

Adjournment of sittings and appointment of deputy vice-warden.

42. Let the sections seven and eight of the Act two and three Victoria, chapter fifty-eight, and the section twenty-four of the Act eighteen and nineteen Victoria, chapter thirty-two, be repealed; and in lieu thereof be it enacted, That if in consequence of illness, or accident, or other disability, the vice-warden shall not attend at Truro on the day and time appointed for his sittings there, the registrar shall have power to open the court, and adjourn the sittings to some other day, on which adjournment day all persons summoned or bound to attend the sittings shall be in attendance, as if the vice-warden himself had adjourned them; and if, by reason of such illness, accident, or other disability, or for any other cause deemed by the lord warden to be a reasonable cause, the vice-warden shall desire to appoint a deputy for a time certain, not exceeding , he may, with the approval of the lord warden, appoint such deputy, being a barrister of five years' standing and not less, with all the powers and judicial functions of the vice-warden himself; and if the vice-warden shall, by reason of such illness, accident, or disability, be unable or shall neglect to make such appointment, it shall be competent for His Royal Highness the Duke of Cornwall, or for the King or Queen regnant, as the case may be, to nominate such temporary deputy, with the qualification, powers, and functions aforesaid, with such directions touching the remuneration of such deputy as may be thought fit.

Vacations in the vice-warden's court.

43. Whereas by the Act six and seven Victoria, chapter one hundred and six, section seventeen, the court of the vice-warden is, for the purpose of the entry of pleadings, orders, proclamations, and other matters touching practice, process, or execution, to be at all times open, except on Sunday, Christmas day, Good Friday, and days of public fast or thanksgiving, and no other days or times are specified wherein the court or its offices may be lawfully closed, nor any period of vacation for the court or its officers and clerks provided: Be it enacted, that the court and

offices may hereafter be closed on Christmas day and the six following days, on Good Friday and the six following days, and that the space of six consecutive weeks, beginning on the first day of September in every year, shall be deemed to be the vacation of the said court, during which the attendance of the officers of the court will be dispensed with; so nevertheless that during the continuance of those days and times, and the above vacation, provision shall be made for the receipt and payment or payments of money by or to the proper officer of the court, whereof due notice shall be from time to time given; Provided also, that during such times and vacation applications may be made for injunction orders, either to the vice-warden or to the registrar, in any part of England, whether within or beyond the ordinary jurisdiction of the stannaries. A.D. 1869.

Power to make general rules and orders.

44. The powers contained in the Act eighteen Victoria, chapter thirty-two, sections twenty-three and twenty-six, for making general rules and orders of the court of the vice-warden touching the procedure, practice, pleading, court fees, taxation of costs, and forms on the equity and common law side of the said court, and other business of the said court, and also touching the regulation of the practice, fees, and costs of appeals pending before the lord warden of the stannaries, whether heard by and before himself, or remitted by him for the determination of the Judicial Committee of the Privy Council, or to the Court of Appeal in Chancery, shall be deemed and taken to extend and apply to this Act, and to the several provisions so contained therein.

PART III.

Savings.

Saving for existing creditors.

45. Nothing in this Act shall take away or abridge any right or remedy of any creditor of a company existing at the passing of this Act in respect of a debt or liability accrued or incurred before the expiration of two months from the passing of this Act.

Saving for customs of stannaries, &c.

46. Subject and without prejudice to the operation of the other provisions of this Act, this Act shall not be deemed to abolish or restrict any customary or other jurisdiction, power, right, remedy, or privilege, legal or equitable, exercised or enjoyed by the court, or by creditors, shareholders, or others, under the law or practice in force in or in relation to the stannaries at the passing of this Act; and, subject and without prejudice as aforesaid, the jurisdiction, powers, rights, and remedies given by this Act shall be cumulative.

Stannaries.

A

BILL

For amending the law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries.

(*Prepared and brought in by Mr. St. Aubyn, Mr. Pendarves Vivian, Mr. Brydges Willyams, and Mr. Kekewich.*)

Ordered, by The House of Commons, *to be Printed*, 26 *February* 1869.

[Bill 24.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Amending the law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as The Stannaries Act, 1869. Short title.

2. In this Act— Interpretation.

The term "the stannaries" means the stannaries of Devon and Cornwall :

The term "the vice-warden" means the vice-warden of the stannaries :

The term "the court" means the court of the vice-warden :

The term "the registrar" means the registrar of the court :

The term "company" includes any persons or partnership body working a mine in the stannaries :

The term "purser" means the purser for the time being of a company having a purser, and if there is no purser, then the secretary for the time being, or if there is no secretary, then the principal financial agent for the time being of a company :

The term "cost book" includes all books and papers relating to the business of a mine, which are for the time being kept by a purser, or which, according to the custom of the stannaries, or the directions of the company, ought to be kept by him.

3. This Act extends only to mines within the stannaries, and subject to the jurisdiction of the court, or within the cognizance of the vice-warden. Extent of Act.

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Application of Act.

4. Nothing in this Act applies to companies registered under any of the Joint Stock Companies Acts, except where such companies are expressly mentioned or necessarily implied.

PART I.

Meetings and proceedings generally.

Majority in value at meeting to bind.

5. Except as otherwise provided by this Act, or by the rules or regulations of any company, a resolution passed at a meeting of the company, by the votes of a majority in value of such of the shareholders as are present in person or represented by proxy at the meeting, shall be deemed the resolution of the meeting, and shall be binding on all the shareholders in the company, whether present or absent, but nothing in this clause shall authorize any ordinary meeting to transact any business which an ordinary meeting could not transact at the time of the passing of this Act, except as is herein-after provided in clauses 11, 12, and 13.

Proceedings with special notice.

6. Where anything to be done by a company is by this Act required to be done at a meeting with special notice, it shall not be valid if done otherwise than at a meeting clear notice whereof is served on the several shareholders not less than seven days before the day of the meeting, specifying the place, day, and hour of meeting, and the business to be transacted thereat, or so much thereof as is required to be done with special notice.

Definition of special resolution.

7. A resolution passed by a company shall be deemed a special resolution within this Act when it has been passed at a meeting with special notice, and has been confirmed at a subsequent meeting with special notice; the last-mentioned meeting being held not less than fourteen days and not more than one month after the meeting at which the resolution was first passed.

Regulations by special resolution.

8. A company may, by special resolution, from time to time alter the rules and regulations for the time being by custom or otherwise governing the company, and make new or additional rules or regulations in that behalf; and any rules or regulations so made by special resolution shall be of the like validity and effect as if they had been entered in the cost book on the original formation of the company, subject to alteration by subsequent special resolution; but nothing in this Act shall authorize a company to make rules or regulations inconsistent with the provisions of this Act, or shall interfere with or abrogate any existing special rules or regulations for the management of any company, or shall authorize the making of any special rule or regulation to enable a company existing at the passing of this Act to borrow money.

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Service of notices.

9. A notice to be served by a company for any purpose of this Act on a shareholder shall be served personally, or shall be served by prepaid letter sent by post addressed to him at his address entered in the cost book, in which case the notice shall be taken as served at the time when the letter containing it was put into the post office; and in proving such service it shall be sufficient to prove that the letter was properly addressed and prepaid, and was put into the post office, and the time when it was put in.

As regards a company existing at the passing of this Act, the address of a shareholder as known to the purser at the passing of this Act shall be and remain entered in the cost book as his address, unless and until he gives notice in writing to the contrary.

Accounts, &c.

Entry of accounts, &c.

10. Each purser shall, once at least in every four months, truly enter in the cost book of the company accounts showing the actual financial position of the company at the time of entry, including all credits, debts, and liabilities, and distinguishing in such accounts the amount of calls paid and calls not paid, with accurate lists of all the shareholders for the time being in the company, with their respective addresses, corrected from time to time as occasion requires, and all other accounts, documents, and things which the purser is for the time being required to enter therein by the custom of the stannaries, or by the directions of the company; and after the passing of this Act all existing or future companies having any rules or regulations touching the management of the company or conduct of the business of the mine, shall file them at the office of the stannary court without payment of any fee; and such rules or regulations shall be subject to the inspection of all applicants at reasonable times without any fee; and if any company shall neglect to file such rules or regulations as above required, then any shareholder in any such company may apply for an order of the court of the vice-warden to file such rules or regulations forthwith, which shall be enforced accordingly.

Calls.

Audit and call.

11. At any meeting of a company with special notice the accounts of the company may be audited, and a call may be made.

Call for prospective expenses.

12. A call may be made by a company for the purpose of defraying the whole or any portion of the estimated expenses to be incurred at any time within three months after the date of the meeting at which the call is made.

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CLAUSE A.

Discount or interest on calls.

13. At the time of making a call, a company may direct that discount not exceeding five per cent. shall be allowed to every shareholder on payment of the call, at or within the time appointed for payment thereof, and may direct that interest at the rate of five pounds per centum per annum shall be charged on all amounts due on account of a call, and remaining unpaid after one month from the time appointed for the payment thereof.

Transfer of shares.

Calls due at transfer.

14. A company shall not be bound to recognize a transfer of a share until all calls made in respect of such share, with interest and expenses, have been paid.

Transfer of fractional parts of shares.

15. A company shall not be bound to recognize the transfer of a fractional part of a share.

Forfeiture of shares.

Notice on failure to pay call.

16. If a shareholder fails to pay a call on the day appointed for payment thereof, the company may at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such nonpayment, and stating to the effect that in the event of nonpayment in accordance with the notice the share in respect of which such call was made will be liable to be forfeited.

Forfeiture on failure to pay.

17. If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof has been made, be forfeited by a resolution of the company to that effect passed at a meeting with special notice.

Sale of forfeited shares.

18. Any share so forfeited shall be carried to an account to be called "The Account of Forfeited Shares," and shall be deemed to be the property of the company, and may be disposed of in such manner as the company thinks fit; and any shareholder may purchase any such share if sold.

Evidence of forfeiture, &c.

19. A statutory declaration in writing by the purser of a company that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by resolution of the company to that effect, shall be sufficient evidence of the facts

therein stated as against all persons entitled to such share, and such declaration, and the receipt of the purser for the price of such share if sold, shall constitute a good title to such share, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

Payment notwithstanding forfeiture.

20. Any shareholder whose share has been forfeited shall nevertheless be liable to pay all calls, interest, and expenses payable on or in respect of the same at the time of forfeiture.

Relinquishment of shares.

Disposal of relinquished shares.

21. Where a share in a company is relinquished, it shall be carried to an account to be called "The Account of Relinquished Shares," and shall be deemed to be the property of the company, and may be disposed of as the company thinks fit, and any shareholder may purchase any such share if sold.

Relinquishment of fractional parts of shares.

22. Every relinquishment of a share shall be by notice in writing delivered to the purser, and a company shall not be bound to recognize the relinquishment of a fractional part of a share.

Evidence of relinquishment, &c.

23. A statutory declaration in writing by the purser of a company that a share has been relinquished shall be sufficient evidence of the facts therein stated as against all persons interested in the share, and that declaration, and the receipt of the purser to a purchaser of the share for the price thereof if sold, shall constitute a good title thereto, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder thereof, discharged from all unpaid calls, interest, and expenses due to the company in respect thereof accrued before his purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

Clause B. Recovery of calls, &c.

24. The amount for the time being unpaid of any call made after the passing of this Act on any share in a company shall be deemed to be a debt due from the holder of such share to the company, and if at the time appointed by the company for the payment of any such call any shareholder shall fail to pay the amount thereof, it shall be lawful for the company to sue such shareholder for the amount of such call, in any court of law having competent jurisdiction, in the name of the purser for the time being of the company, as the

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nominal plaintiff for the company, and to recover the amount of such call, together with lawful interest for the same (and costs of suit); and in any action to be brought by the company to recover the amount of such call it shall be sufficient in the declaration or other proceeding in the said action to state that the defendant or (in case of such action being brought against the legal personal representative of a deceased shareholder) that the deceased shareholder was at the time of such call being made the holder of one share or more in the company (stating the number of shares), and that the defendant, or (in case of the death of a shareholder as aforesaid) that the defendant or defendants, as executor or administrator or executors or administrators of such deceased shareholder, is or are indebted to the company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls), and that the plaintiff is the purser of the company and sues in the action as nominal plaintiff for the company, and on the trial or hearing of such action it shall be sufficient to prove, as a primâ facie case on the part of the plaintiff, that the defendant or such deceased shareholder, at the time of making such call, was a holder of one share or more in the company, and that such call was in fact made, and that the plaintiff at the commencement of the action was acting as the purser of the company; and it shall not be necessary to prove the appointment or authority of the persons who made such call, or the validity of any meeting at which such call shall have been made, or of the proceedings at such meeting, or the appointment of such purser; provided, that in case of a change of purser pending the proceedings, the name of purser for the time being may, by leave of the court in which the proceedings are pending, or of a judge or proper officer thereof, be substituted for that of a person ceasing to be purser by death, resignation, or otherwise.

Sale of mine.

Power of sale of mine &c., as going concern.

25. Without prejudice to the landlords, lessors, or others having any estate, charge on, or interest in the land in which the mine is situate, or to the creditors, and their customary lien on the saleable machinery and materials belonging to the company, a mining company shall have power, by a special resolution passed at a special meeting so constituted and convened as above provided in this Act, to which three fourths in value of the shareholders shall have consented, either in writing or at the meeting, to sell and dispose of the machinery and materials belonging to the company, with or

without the legal or equitable interest of the company in the leases or sett on which the mine is worked, as a going concern, provided that every such sale shall be by public auction, and that due notice of the intended sale be given by public advertisement in some local newspaper, and in some public journal or newspaper specially relating to mining companies, for four successive weeks before the sale, and that nothing in this section shall authorize such a sale in the case of a mine in which a profit has been made within the twelve months next preceding the day of sale, as appearing from the accounts of the mine. A.D. 1869.

Winding up.

Limitation of liability of past shareholders.

26. On a company being wound up in the court of the vice-warden or any other court, a former shareholder, notwithstanding the provisions contained in the Companies Act, 1862, Part 8, section 200, shall not be liable to contribute to the assets of the company if he has ceased to be a shareholder for a period of two years or upwards before the mine has ceased to be worked before the date of the winding-up order.

Wages of miners, &c.

27. On a company formed for or engaged in working a mine (including a company registered under any of the Joint Stock Companies Acts) being wound up in the court of the vice-warden or any other court or otherwise, the date of the winding-up having been not earlier than two months after the passing of this Act, then and in every such case the amount (if any) due at the commencement of the winding-up order to miners, artizans, and labourers employed, wholly or in part, in or about the mine, in respect of their wages or other earnings in relation to the mine, not exceeding three months wages or earnings to each such person, shall be paid in priority to all other debts of the company.

Affidavits used in the court.

28. Whereas since the passing of the Act eighteen Victoria, chapter thirty-two, for amending and extending the jurisdiction of the court of the vice-warden, and of the Companies' Act, 1862, the experience of the court has suggested the expediency of some amendment of the provisions of those Acts, so far as they relate to the stannaries and the jurisdiction thereof: Be it enacted, that all affidavits, affirmations, and declarations shall be available in suits, causes, and matters in the court of the vice-warden, although not sworn, made, and taken by or before a commissioner of that said court; provided the same shall have been sworn, made, or taken by or before any commissioner authorized to administer oaths in the superior courts of equity or of common law in England or Ireland, or in the Isle

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of Man or the Channel Islands, or by the officers exercising like powers to administer oaths in Scotland, or by any of the courts, judges, or other persons having like authority in the dominions of the crown beyond seas, or in foreign parts, specified or described in the Act fifteen and sixteen Victoria, chapter eighty-six, section twenty-two, and the Act sixteen and seventeen Victoria, chapter seventy-eight; and the vice-warden or registrar of his court shall, on the production before him of such affidavits, affirmations, or declarations, purporting to be duly and regularly sworn, made, and taken by any of the courts or persons herein-before referred to, presume the same to have been so sworn, made, and taken, unless the contrary be proved to his satisfaction; and in case of wilful and corrupt false swearing, affirming, or declaring in such document so produced, or of the production or use by any party of such document, knowing the same to be a forged or spurious one, the offender shall be liable to all the penalties, punishments, and consequences specified in sections twenty-three and twenty-four of the Act fifteen and sixteen Victoria, chapter eighty-six: Provided also, that all lawful fees due and demandable upon swearing, making, or taking such affidavits, affirmations, or declarations, by or before any of the courts or persons above referred to, shall be paid or tendered to such court or person by the party applying for such document.

No demand necessary before enforcing order to pay, produce, or deliver.

29. Whenever a decree or order of the court of the vice-warden for payment of money, or production or delivery up of any books, papers, deeds, or accounts, or the delivery up of property, real or personal, shall have been made in a suit or matter whereof the said court has cognizance, no formal demand shall be necessary, but the person or party who shall have been so decreed or ordered to pay such money, or produce or deliver up such documents or property, on being duly served with such decree or order, shall be bound to obey the same, and process shall thereupon issue to enforce performance, without further special application to the vice-warden.

Enforcing process through the registrar of a county court.

30. In enforcing execution of any judgment, decree, or order of the court of the vice-warden by writ sent to the registrar of any county court under section nine or ten of Act eighteen Victoria, chapter thirty-two, the person or party entitled to recover any monies awarded to him by such judgment, decree, or order may issue such process to the county court, although the sum sought to be recovered may exceed the sum of fifty pounds, provided the sum do not exceed three hundred pounds, including the costs of applying to the court for leave to issue such execution, where such

leave shall be necessary by the rules of the court; and such process shall hereafter be available to any party entitled to levy such money, not exceeding the said sum of three hundred pounds, by a like writ of execution sent to the registrar of any county court within the stannaries, as well as beyond the stannaries; subject, however, to the payment of all lawful fees for execution in such county court, and subject in other respects to the provisions of sections nine and ten of the Act last above mentioned, except that the judge of a county court within the stannaries may remit any claim of interpleader arising on the execution of such writ for determination of the court of the vice-warden.

Execution of process of attachment within the district of the stannaries of Cornwall and Devon.

31. If any person residing or being within the jurisdiction of the stannaries shall be in contempt for disobedience of any order of the court of the vice-warden other than the payment of money, and be thereupon attached by the bailiffs of the court, or by a messenger or messengers of the court specially named or appointed by the court for execution of the writ of attachment issued by the court, such bailiffs or messengers shall forthwith take into their custody the person so attached, and bring him with all convenient speed to Truro, there to be examined by or before the vice-warden, if he shall then be sitting at Truro, or before the registrar of the court, touching the matter of his alleged contempt; and upon such examination the vice-warden or registrar shall, if the offender shall have sufficiently cleared himself of the contempt, discharge him out of custody, or if he shall not have so cleared himself, shall commit him to the common gaol at Bodmin, or, in case of contempt within the stannaries of Devon, to the borough gaol at Plymouth, there to remain until he shall have submitted to the order of the court, or be otherwise discharged in due course of law; and such writ of attachment, and any commitment thereon, shall issue in the name of the lord warden of the stannaries, with the seal of the court attached.

Service of process, &c. beyond the stannaries.

32. Whereas the service of process on the common law side of the court of the vice-warden in any part of England, without the special order of the vice-warden, has been found inconvenient, and in some cases liable to abuse: Be it enacted, that no such service of process out of the limits of the stannaries, in suits or plaints on the common law side of the court, shall hereafter be effected without the special order of the vice-warden, made on a statement of the nature and object of such suit or plaint; except in the case of actions of ejectment brought under the authority of section fifteen of the Act eighteen Victoria, chapter thirty-two.

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On appeals to the lord warden, a deposit to be made.

33. In all cases of appeals against any judgment, decree, or order of the court of the vice-warden, besides the bond to the registrar of the court required by the Act eighteen Victoria, chapter thirty-two, section twenty-six, a deposit of twenty pounds shall be made in the hands of the registrar of the court, to be paid to the opposite party when the judgment, decree, or order is not reversed or varied in any material point, unless the court shall otherwise direct; and if the appeal against any decree or order be prosecuted in the name or on the behalf of any registered company with limited liability, the registrar of the court may require that a sufficient surety be joined as co-obligor in the bond which the appellant is bound to give in such case, who shall be personally liable to pay the taxed costs of the appeal to the extent of fifty pounds, if the judgment, decree, or order be not reversed or varied in any material point; and the appellant shall also deposit in the hands of the registrar the sum of twenty pounds, payable as hereinabove directed in the case of ordinary appeals.

Duties of registrar in liquidation of a company.

34. Where an order is made for the winding up a mining company in the court of the vice-warden, whether the same be a registered or an unregistered company, and no official liquidator is appointed, the registrar of the court shall have authority, with the sanction of the vice-warden, to perform all the ordinary duties of an official liquidator, and to exercise all the powers assigned by the Companies Act, 1862, to such liquidator, so far as such duties or powers are not incompatible with his official duties as registrar of the court.

Provided always, that the registrar shall not in such case be called upon to give any such security as may be required of an official liquidator under section ninety-two of the last-mentioned Act, nor be entitled to any remuneration for the performance of the said duties, other than the salary now received by or that may hereafter be assigned to him in his official character of registrar; nor shall it be necessary for him to use the name or style of official liquidator, nor any other style than that of registrar of the court, unless it shall become necessary for him to take out letters of administration to any deceased contributory; and in proving a debt due from any contributory who shall have become a bankrupt within the intent and meaning of section eighty-seven of the Companies Act, 1862, a certificate of the debt signed by the registrar, with the seal of the court attached, shall be accepted in the Court of Bankruptcy as sufficient proof of such debt as against the estate of the bankrupt, without requiring the oath or affidavit of the registrar.

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Provided also, that the registrar in the performance of such duties and exercise of such powers shall not be liable to any penalty prescribed by the said Companies Act, 1862, and imposed on official liquidators as such, or become personally liable in respect of any act done or proceeding taken by him by the order or authority or with the sanction of the vice-warden acting in his judicial character.

Attachment of debt due to a contributory on winding up.

35. In cases where several mining companies are in course of liquidation by or under superintendence of the court of the vice-warden, if it shall appear to the vice-warden that a person who is a contributory of one of the said companies is also a creditor claiming a debt against one of the other companies, the vice-warden may, in his discretion, and after due inquiry into the facts, direct that the said debt, when allowed, shall be attached, and payment thereof to the creditor suspended for a time certain, as a security for payment of all or any calls that are or may in course of liquidation become due from him to the company of which he is a contributory; and the amount thereof shall be applicable and applied to such payment in due course; provided that no such order of attachment shall prejudice any claim which the company so indebted to him as creditor may have against him by way of set-off, counterclaim, or otherwise, or any lawful claim of lien or specific charge on the said debt in favour of any third person.

Fraudulent transfers of shares.

36. A transfer of shares made for the purpose of getting rid of the further liability of a shareholder, as such, for a nominal or no consideration, or to a person without any apparent pecuniary ability to pay the reasonable expenses of working a mine, or to a person in the menial or domestic service of the transferror, shall be presumed to be a fraudulent transfer, and need not be recognised by the company, or by the court on the winding-up of the company, whether the company be a registered or unregistered company.

Jurisdiction to restrain sales of setts.

37. The jurisdiction of the court to grant injunctions restraining sales of machinery and other effects on mines is hereby extended so as to authorize the granting of injunctions restraining sales of setts where equity so requires, and the jurisdiction conferred by this section may be exercised in creditors' suits, or on the application of a shareholder in a company.

Issuing injunction orders by the registrar in certain cases.

38. It shall be competent for the registrar of the court, on the application of either a creditor or shareholder, to issue injunction orders on customary creditors' suits pending in the court, and to forbid the sale of setts, leases, machinery, or other effects on or

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belonging to the mine on the usual allegation of urgency, or to issue such orders in other cases of like urgency or imminent waste or damage to property; and in such cases the party or parties so enjoined may appear and show cause before the registrar, and apply to him to suspend or dissolve the order; but such application to the registrar shall not be exclusive of the existing power of the vice-warden to issue such orders, though he may not then be sitting within the jurisdiction of the stannaries, nor prevent him from the reconsidering the order of the registrar, on the motion or complaint of the parties interested in it.

Hearing of petition for winding-up.

39. The provision of section eighty-three of the Companies Act, 1862, contained in second paragraph thereof, shall be amended and read as follows; namely, that the vice-warden of the stannaries may direct that petitions to wind up a company be heard by him at such time or place as he may think fit within the jurisdiction of the stannaries, or within or near to the place where the registered or other chief office of the company is situate, or if such office be distant one hundred and fifty miles or more from Truro (measured by the public railways), then in London or Westminster; or with the consent of the party or parties petitioning, and of the company represented by its secretary, purser, or other proper officer, the hearing may be in any part of England; and all orders made by the vice-warden on such hearing in any of the above cases shall be as valid and effectual as if they had been made at Truro.

Adjournment of sittings and appointment of deputy vice-warden.

40. Let the sections seven and eight of the Act two and three Victoria, chapter fifty-eight, and the section twenty-four of the Act eighteen and nineteen Victoria, chapter thirty-two, be repealed; and in lieu thereof be it enacted, That if in consequence of illness, or accident, or other disability, the vice-warden shall not attend at Truro on the day and time appointed for his sittings there, the registrar shall have power to open the court, and adjourn the sittings to some other day, on which adjournment day all persons summoned or bound to attend the sittings shall be in attendance, as if the vice-warden himself had adjourned them; and if, by reason of such illness, accident, or other disability, or for any other cause deemed by the lord warden to be a reasonable cause, the vice-warden shall desire to appoint a deputy for a time certain, not exceeding , he may, with the approval of the lord warden, appoint such deputy, being a barrister of five years' standing and not less, with all the powers and judicial functions of the vice-warden himself; and if the vice-warden shall, by reason of such illness, accident, or disability, be unable or shall neglect

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to make such appointment, it shall be competent for His Royal Highness the Duke of Cornwall, or for the King or Queen regnant, as the case may be, to nominate such temporary deputy, with the qualification, powers, and functions aforesaid, with such directions touching the remuneration of such deputy as may be thought fit.

Clause C. Provision for a temporary registrar on a future vacancy.

41. Whereas inconvenience may hereafter be occasioned by the death of the registrar of the court and the delay in appointing a successor, be it enacted, that the vice-warden for the time being shall in such case have power to employ the assistant registrar, if there be one, or any other competent person, being a clerk or officer of the court, to execute, under the direction of the vice-warden, all or any of the necessary duties of registrar, until such time as the successor of the deceased registrar shall have been duly appointed, and such temporary registrar may, if the lord warden shall think fit, be remunerated for such extra duty out of the salary accruing between the decease of the last registrar and the appointment of his successor, who shall be entitled to receive the balance (if any) of the salary so accruing during that interval.

Clause D. Provision as to half-yearly remissions.

42. From and after the passing of this Act, the whole of the several provisoes contained in section thirty of the Act sixth and seventh years of William the Fourth, chapter one hundred and six, and in section thirty-six of the Act eighteenth and nineteenth Victoria, chapter thirty-two, respectively, which in any way relate to, or empower, or require half-yearly remissions of the assessment, in such provisoes respectively mentioned or referred to, be and the same are hereby repealed, and thereupon the monies accruing by reason of such remission shall be applicable and be applied to such of the several purposes specified in the one hundred and seventy-second section of "The Companies Act, 1862," touching the application of the fees arising under proceedings taken for winding up mining companies, as the lord warden of the stannaries shall from time to time, on the application of the vice-warden or otherwise, think fit to direct, sanction, or assign, and meanwhile shall accumulate by investment, as to the whole or part of the accruing monies, in the manner directed in and by the provisions of that section.

Vacations in the vice-warden's court.

43. Whereas by the Act six and seven Victoria, chapter one hundred and six, section seventeen, the court of the vice-warden is, for the purpose of the entry of pleadings, orders, proclamations, and other matters touching practice, process, or execution, to be at all times open, except on Sunday, Christmas

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day, Good Friday, and days of public fast or thanksgiving, and no other days or times are specified wherein the court or its offices may be lawfully closed, nor any period of vacation for the court or its officers and clerks provided: Be it enacted, that the court and offices may hereafter be closed on Christmas day and the six following days, on Good Friday and the six following days, and that the space of six consecutive weeks, beginning on the first day of September in every year, shall be deemed to be the vacation of the said court, during which the attendance of the officers of the court will be dispensed with; so nevertheless that during the continuance of those days and times, and the above vacation, provision shall be made for the receipt and payment or payments of money by or to the proper officer of the court, whereof due notice shall be from time to time given; Provided also, that during such times and vacation applications may be made for injunction orders, either to the vice-warden or to the registrar, in any part of England, whether within or beyond the ordinary jurisdiction of the stannaries.

Power to make general rules and orders.

44. The powers contained in the [Act eighteen Victoria, chapter thirty-two, sections twenty-three and twenty-six, for making general rules and orders of the court of the vice-warden touching the procedure, practice, pleading, court fees, taxation of costs, and forms on the equity and common law side of the said court, and other business of the said court, and also touching the regulation of the practice, fees, and costs of appeals pending before the lord warden of the stannaries, whether heard by and before himself, or remitted by him for the determination of the Judicial Committee of the Privy Council, or to the Court of Appeal in Chancery, shall be deemed and taken to extend and apply to this Act, and to the several provisions so contained therein.

PART III.

Savings.

Saving for existing creditors.

45. Nothing in this Act shall take away or abridge any right or remedy of any creditor of a company existing at the passing of this Act.

Saving for customs of stannaries, &c.

46. Subject and without prejudice to the operation of the other provisions of this Act, this Act shall not be deemed to abolish or restrict any customary or other jurisdiction, power, right, remedy, or privilege, legal or equitable, exercised or enjoyed by the court,

or by creditors, shareholders, or others, under the law or practice in force in or in relation to the stannaries at the passing of this Act; and, subject and without prejudice as aforesaid, the jurisdiction, powers, rights, and remedies given by this Act shall be cumulative. A.D. 1869

Stannaries.

A

BILL

[AS AMENDED IN COMMITTEE]

For amending the law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries.

(*Prepared and brought in by Mr. St. Aubyn, Mr. Pendarves Vivian, Mr. Brydges Willyams, and Mr. Kekewich.*)

Ordered, by The House of Commons, *to be Printed,* 30 *April* 1869.

[Bill 101.]

Under 2 *oz.*

A

BILL

TO

Provide for the periodical Inspection of Steam Boilers. A.D. 1869.

WHEREAS it is expedient that Her Majesty's subjects should be protected by a proper system of inspection and registration from accidents occasioned by the explosion of steam boilers:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

Board of Trade to make rules for the testing of steam boilers.

1. From and after *the day of one thousand eight hundred and* the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations, hereafter called the Board of Trade, shall have power, and they are hereby required, immediately after the passing of this Act, and from time to time, to issue rules and orders by which a complete and effective system of registering, inspecting, testing, and ascertaining the safety and security of steam boilers in the United Kingdom of Great Britain and Ireland shall be established and carried into effect, and such rules and orders shall have the same legal authority and effect as if they were incorporated in and formed part of this Act: Provided always, that all such rules and orders shall be placed before Parliament within six months after they have been issued by the Board of Trade.

Board of Trade to appoint a registrar of steam boilers.

2. A registrar and inspector general of steam boilers for the United Kingdom of Great Britain and Ireland shall be appointed by the Board of Trade immediately after the passing of this Act, and the duties and powers of such registrar and inspector general shall be defined and governed by the said rules and orders to be issued by the Board of Trade. Such salary as Her Majesty's Treasury shall deem an adequate and proper remuneration for the services to be performed by the said registrar and inspector general shall also be paid to him under and by virtue of this Act *out of such funds as Parliament shall provide for that purpose.*

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Appointment of other officers.

3. The registrar and inspector general of steam boilers appointed under and by virtue of the last preceding section shall, subject to the said rules and orders of the Board of Trade, have power to appoint deputy registrars and sub-inspectors, with such salaries and allowances as he shall deem necessary and proper, *the said salaries and allowances to be paid out of such funds as Parliament shall provide for that purpose;* and to give effect to the authority, powers, and duties to be exercised and performed by such deputy registrars and sub-inspectors, the said registrar and inspector general, having regard nevertheless to the said rules and orders of the Board of Trade, shall limit and confine the authority, powers, and duties so to be exercised by the said deputy registrars and sub-inspectors to the counties, cities, towns, and districts particularly indicated and set forth in written instructions to be issued to them by the said registrar and inspector general.

Steam Boilers Inspection.

A

B I L L

To provide for the periodical Inspection of Steam Boilers.

(*Prepared and brought in by Mr. Henry B. Sheridan, Mr. Vickers, and Mr. Brady.*)

Ordered, by The House of Commons, *to be Printed,* 7 *April* 1869.

[Bill 64.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law concerning the appointment of Deputies by Stipendiary Magistrates. A.D. 1869.

WHEREAS by the thirteenth section of an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter seventy-three, power is given to stipendiary magistrates, with the approval of the Secretary of State for the Home Department, to appoint a deputy for a time not exceeding six weeks in any consecutive period of twelve calendar months: 21 & 22 Vict. c. 73. s. 13.

And whereas it is expedient that such power should be extended:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The said thirteenth section of the said Act is hereby repealed. Sect. 13 of recited Act repealed.

2. It shall be lawful for any stipendiary magistrate, or police magistrate, with the approval of the Secretary of State for the Home Department, to appoint a deputy, who shall have practised as a barrister-at-law for at least seven years, to act for him for any time or times not exceeding *six weeks* in any consecutive period of twelve calendar months, and, in case of sickness or unavoidable absence of such magistrate, may, with the approval of the Secretary of State for the Home Department, on each occasion of this power being exercised, appoint a deputy, qualified as aforesaid, for any period not exceeding *three calendar months* at one time, and every such deputy during the time for which he shall be so appointed shall have all the powers and perform all the duties of the stipendiary magistrate for whom he shall have been so appointed. Power to stipendiary magistrates to appoint a deputy.

Stipendiary Magistrates (Deputies).

A

B I L L

To amend the Law concerning the appointment of Deputies by Stipendiary Magistrates.

(*Prepared and brought in by Viscount Sandon, Mr. Muntz, and Mr. Rathbone.*)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1869.

[Bill 176.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act for the separation of the Straits Settlements from the Diocese of Calcutta. A.D. 1869.

WHEREAS by an Act of the session of the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter one hundred and fifteen, and by an Order in Council of the twenty-second day of December one thousand eight hundred and sixty-six, made in pursuance of the said Act, the islands and territories known as the "Straits Settlements," namely, Prince of Wales Island, the Island of Singapore, and the town and fort of Malacca, and their dependencies, ceased to be part of India for the purposes and within the meaning of an Act of the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter one hundred and six:

Recital of 53 G. 3. c. 155. and 3 & 4 W. 4. c. 85.

And whereas by virtue of an Act passed in the session of the fifty-third year of the reign of King George the Third, chapter one hundred and fifty-five, and of another Act of the session of the third and fourth years of the reign of King William the Fourth, chapter eighty-five, and of Letters Patent under the Great Seal of our United Kingdom bearing date respectively the second day of May one thousand eight hundred and fourteen, the thirteenth day of June one thousand eight hundred and thirty-five, and the first day of October one thousand eight hundred and thirty-seven, the said Straits Settlements were before the passing of the said first-recited Act and still are part of the diocese of Calcutta, and subject to the metropolitical authority of the bishop of that diocese:

And whereas it is expedient that the said Straits Settlements should be separated from the said diocese and cease to be subject to such metropolitical authority:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

[Bill 259.]

A.D. 1869.

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Separation of Straits Settlements from diocese of Calcutta.

1. The said recited Acts of Parliament of the reigns of King George the Third and King William the Fourth, and the said Letters Patent shall no longer apply to the said Straits Settlements; and the said Straits Settlements shall from the passing of this Act cease to be part of the said diocese of Calcutta and to be subject to the metropolitical authority of the bishop of that diocese.

Straits Settlements.

A

BILL

INTITULED

An Act for the separation of the Straits Settlements from the Diocese of Calcutta.

(*Brought from the Lords* 3 *August* 1869.)

Ordered, by The House of Commons, *to be Printed*, 3 *August* 1869.

[Bill 259.]

Under 1 *oz.*

A

B I L L

TO

Provide for the improvement, protection, and management of Commons near cities and towns in England.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: A.D. 1869.

Short title.

1. This Act may be cited as the Suburban Commons Act.

Definition of suburban commons.

2. In this Act—

The term "suburban common" means a common (not being a metropolitan common) any part whereof is situate within five miles of a city or town in England of five thousand inhabitants and upwards, or within ten miles of a city or town in England of thirty thousand inhabitants and upwards, and in every such case the number of inhabitants shall be ascertained by the last census for the time being, and the distance shall be measured in a direct line from the town hall, and if there be none, then from the cathedral or parochial church, or if there are more than one such churches, then from the principal market place of the city or town, and if a doubt arises whether any common is within the description aforesaid or not, the same shall be determined by the Inclosure Commissioners for England and Wales (in this Act referred to as the commissioners), whose decision shall be conclusive.

Incorporation of Metropolitan Commons Act.

3. The Metropolitan Commons Act, 1866, shall be incorporated with this Act, and its provisions with respect to metropolitan commons shall extend and apply from the passing of this Act to suburban commons, substituting for the metropolis the particular city or town in or near which such commons are situate, subject to the provisions herein-after contained; (that is to say,)

Definitions.

The local authority in relation to each suburban common shall be the authority described as such in connexion therewith in

A.D. 1869.

the first schedule to this Act, and the local rate in relation to each suburban common shall be the rate described in connexion therewith in the same schedule.

THE FIRST SCHEDULE.

Description of Local Authority and Local Rates.

Boroughs (including cities and other places for the time being subject to the Acts regulating municipal corporations in England), with the exception of the borough of Cambridge, not within the jurisdiction of a local board.	The mayor, aldermen, and burgesses (or citizens), by the council.	The borough rate (including any fund, rate, or property applicable to the purposes of the borough rate).
The borough of Cambridge, and any city or town not included in the foregoing descriptions, and under the management of commissioners, trustees, or other persons intrusted by any local Act with powers of improving, cleansing, paving, lighting, or watching.	The commissioners, trustees, or other persons empowered by the Local Act.	Any rate leviable by such commissioners, trustees, or other persons (including any fund, rate, or property applicable by them to the purposes of improving, cleansing, paving, lighting, or watching the city or town).
Places within the jurisdiction of local boards constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, or one of them.	The local board.	The general district rate.

THE SECOND SCHEDULE.

Form of Power of Attorney.

The Suburban Commons Act.

I, *A.B.* of in pursuance of the above-mentioned Act, appoint of to be my agent for all the purposes of this Act [*or for a specified purpose under the Act*].

Dated this day of 18 .

(Signed) *A.B.*

Witness. *C.D.*

Suburban Commons.

A

BILL

To provide for the improvement, protection, and management of Commons near cities and towns in England.

(*Prepared and brought in by Mr. Cowper and Mr. Liddell.*)

Ordered, by The House of Commons, *to be Printed,* 22 *June* 1869.

[Bill 174.]

Under 1 *oz.*

A

B I L L

TO

Exempt from rating Sunday and Ragged Schools for gratuitous instruction.

A.D. 1869.

WHEREAS for many years and until lately buildings used as Sunday and Ragged Schools for gratuitous education enjoyed an exemption from poor and other rates, and it is expedient that they should be exempted from such liability :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

From 30th Sept. 1869 free Sunday and Ragged Schools not to be rated to relief of poor, &c.

1. From and after the *thirtieth day of September one thousand eight hundred and sixty-nine* no Sunday School or Ragged School used for gratuitous instruction, and from which no pecuniary advantage is derived, shall be rated or rateable to, or be liable to pay rates or assessments for, the relief of the poor or the maintenance of the highways, or to any borough rate, or to any rate made by any municipal corporation, commissioners, or local board of health for any purpose which includes lighting, watching, or improvement purposes.

2. This Act shall not extend to Ireland.

Extent of Act.

3. The Act may be cited as the "Sunday and Ragged Schools (Exemption from Rating) Act, 1869."

Short title.

Sunday and Ragged Schools.

A

BILL

To exempt from rating Sunday and Ragged Schools for gratuitous instruction.

(*Prepared and brought in by Mr. Charles Reed, Mr. Bazley, Mr. Graves, and Mr. M'Arthur.*)

Ordered, by The House of Commons, *to be Printed,* 8 *April* 1869.

[Bill 67.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Exempt from rating Sunday and Ragged Schools. A.D. 1869.

WHEREAS for many years and until lately buildings used as Sunday and ragged schools for gratuitous education enjoyed an exemption from poor and other rates, and it is expedient that they should be exempted from such liability:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

From 30th Sept. 1869 Sunday and Ragged Schools not to be rated to relief of poor, &c.

1. From and after the thirtieth day of September one thousand eight hundred and sixty-nine no building or part of a building used exclusively as a Sunday school or ragged school shall be rated or rateable to, or be liable to pay rates or assessments for, the relief of the poor or the maintenance of the highways, or to any borough rate, or to any rate made by any municipal corporation, commissioners, or local board of health for any purpose which includes lighting, watching, or improvement purposes.

Interpretation.

2. A "Sunday school" shall mean any building or part of a building used for giving religious education gratuitously to children and young persons on Sunday, and on week days for the holding of classes and meetings in furtherance of the same object, and without pecuniary profit being derived therefrom.

A "ragged school" shall mean any building or part of a building used for the gratuitous education of children and young persons of the poorest classes, and for the holding of classes and meetings in furtherance of the same object, and without any pecuniary benefit being derived therefrom except to the teacher or teachers employed.

Extent of Act.

3. This Act shall not extend to Ireland.

Short title.

4. The Act may be cited as the "Sunday and Ragged Schools (Exemption from Rating) Act, 1869."

Sunday and Ragged Schools.

A

BILL

[AS AMENDED IN COMMITTEE]

To exempt from rating Sunday and Ragged Schools.

(*Prepared and brought in by Mr. Charles Reed, Mr. Bazley, Mr. Graves, and Mr. M'Arthur.*)

Ordered, by The House of Commons, *to be Printed,* 22 *June* 1869.

[Bill 170.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Exempt from rating Sunday and Ragged Schools. A.D. 1869.

WHEREAS for many years and until lately buildings used as Sunday and ragged schools for gratuitous education enjoyed an exemption from poor and other rates, and it is expedient that they should be exempted from such liability :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

From 30th Sept. 1869 Sunday and ragged schools may be exempted from rates for relief of poor, &c.

1. From and after the thirtieth day of September one thousand eight hundred and sixty-nine every authority having power to impose or levy any rate upon the occupier of any building or part of a building used exclusively as a Sunday school or ragged school may exempt such building or part of a building from any rate for any purpose whatever which such authority has power to impose or levy : Provided, that nothing in this Act contained shall prejudice or affect the right of exemption from rating of Sunday or infant schools, or for the charitable education of the poor in any churches, district churches, chapels, meeting houses, or other premises, or any vestry rooms belonging thereto, or any part thereof, by virtue of an Act passed in the third and fourth years of the reign of King William the Fourth, chapter thirty, intituled "An Act to exempt "from poor and church rates all churches, chapels, and other "places of religious worship."

Interpretation.

2. A "Sunday school" shall mean any school used for giving religious education gratuitously to children and young persons on Sunday, and on week days for the holding of classes and meetings in furtherance of the same object, and without pecuniary profit being derived therefrom.

A "ragged school" shall mean any school used for the gratuitous education of children and young persons of the poorest classes,

A.D. 1869.

and for the holding of classes and meetings in furtherance of the same object, and without any pecuniary benefit being derived therefrom except to the teacher or teachers employed.

Extent of Act.

3. This Act shall not extend to Ireland.

Short title.

4. The Act may be cited as the "Sunday and Ragged Schools (Exemption from Rating) Act, 1869."

Sunday and Ragged Schools.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION OF BILL AS AMENDED]

To exempt from rating Sunday and Ragged Schools.

(*Prepared and brought in by Mr. Charles Reed, Mr. Bazley, Mr. Graves, and Mr. M'Arthur.*)

Ordered, by The House of Commons, *to be Printed,* 9 *July* 1869.

[Bill 205.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to selling and hawking Goods on Sunday.

WHEREAS the practice of Sunday trading prevails extensively in various parts of England, and the law is insufficient to prevent the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalties for selling, offering, and exposing for sale.

1. No person shall, on Sunday, hawk, cry, sell, offer, expose for sale, or deliver in the way of his trade, or cause to be hawked, cried, sold, offered, exposed for sale, or so delivered, any goods, wares, merchandise, or other things whatsoever (except as hereinafter excepted); and any person who shall commit any such offence, and shall be convicted thereof before a police or stipendiary magistrate, or before any two justices of the peace, shall forfeit and pay any sum not exceeding twenty shillings nor less than five shillings, as shall be adjudged by such magistrate or justices: Provided always, that no person who has not before been convicted of any offence against this Act shall be liable to more than one penalty for any offence against this Act committed on one and the same day.

Certain cases to which this Act does not apply.

2. The provisions of this Act shall not apply—

To the selling, offering, or exposing for sale or delivery of any article or thing for medicinal purposes;

Nor to the selling, offering, or exposing for sale without public cry, nor to the delivery, of any meat, fish, poultry, game, or vegetables, before the hour of nine o'clock in the morning;

Nor to the selling, offering, or exposing for sale or delivery of any milk or cream before the hour of ten o'clock in the morning or after the hour of one o'clock in the afternoon;

Nor to the selling, offering, or exposing for sale without public cry of any pastry, fruit, or any beverage which may lawfully

be sold without a licence before the hour of ten o'clock in the morning and after the hour of one o'clock in the afternoon;

Nor to the selling, offering, or exposing for sale without public cry, nor to the delivery, of any periodical publication before the hour of ten o'clock in the morning;

Nor to the exercise of the ordinary business of the keeper of a cook shop, eating house, or coffee house, before the hour of ten o'clock in the morning and after the hour of one o'clock in the afternoon;

Nor to the exercise of the ordinary and lawful business of a baker, licensed victualler, or keeper of any inn, tavern, hotel, public house, house licensed for the sale of beer or of excisable liquors.

Provisions as to distinct and separate offences.

3. If any person, having been once convicted of an offence against this Act, shall be again convicted by any magistrate or justices of the peace of any such offence, such person shall for every such subsequent offence forfeit and pay any sum not exceeding forty shillings nor less than twenty shillings for every separate act of selling, offering, or exposing for sale or delivery on one and the same day, as shall be adjudged by such magistrate or justices.

Proof of previous conviction.

4. In all cases in which it shall be sought to prove any previous conviction against any person under this Act, a certificate, containing the substance and effect only (omitting the formal part) of the record of the conviction of the previous offence, purporting to be signed by the proper officer having the custody of such record of conviction, or a certificate of such previous conviction purporting to be signed by the person who shall have acted as clerk to the justices or magistrate before whom such previous conviction shall have taken place, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the previous conviction, without proof of the signature or official character of the person appearing to have signed the same; and if any person whatsoever shall wilfully and knowingly utter a false certificate of a conviction for a previous offence against this Act, or if any other person, other than such proper officer or person acting as such clerk, shall sign such certificate as such proper officer or person acting as clerk, every person so offending shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any period not exceeding six months.

Appropriations of penalties.

5. All penalties or sums of money ordered and adjudged within the city of London or liberties thereof to be paid under this Act,

and not otherwise appropriated, shall be payable to the chamberlain of the city of London, in aid of the funds of the said city, and all penalties or sums of money ordered and adjudged within any county, city, or borough to be paid under this Act, and not otherwise appropriated, shall be payable to the treasurer of such county, city, or borough, or other person duly authorized to receive the same, in aid of the funds of the said county, city, or borough.

Limitations of proceedings.

6. All prosecutions for offences punishable by this Act shall be commenced within seven days next after the commission of the offence, and not afterwards.

Saving as to stat. Car. II.

7. Nothing in this Act contained shall operate to repeal or alter any of the provisions of an Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for the "better observance of the Lord's Day commonly called Sunday," excepting so far as the same is altered by or is inconsistent with the provisions of this Act.

Convictions to set forth Act.

8. All convictions obtained under this present Act shall expressly refer to the same.

Places to which the Act shall not apply.

9. This Act shall not apply to any city, town, or hamlet containing at the last or any subsequent census a population of less than ten thousand persons.

Limitation of the Act.

10. This Act shall apply to England only.

Commencement of Act.

11. This Act shall come into operation on the *seventh day of October one thousand eight hundred and sixty-nine.*

Sunday Trading.

A

BILL

To amend the Law relating to selling and hawking Goods on Sunday.

(*Prepared and brought in by Mr. Thomas Hughes and Lord Claud Hamilton.*)

Ordered, by The House of Commons, *to be Printed*, 18 *February* 1869.

[Bill 5.]

Under 1 *oz.*

Telegraphs Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short title.
2. The Telegraph Act, 1868, and this Act to form one Act.
3. Interpretation of terms.
4. The Postmaster General to have exclusive privilege of sending messages with certain exceptions.
5. Exceptions.
6. Penalty on contravention of Act.
7. Incorporation of "Lands Clauses Consolidation Act, 1845."
8. Discharge of application of purchase monies.
9. Power to raise money.
10. Monies to be placed at the disposal of the Postmaster General under regulations.
11. Creation of terminable annuities.
12. Exchequer bills and bonds.
13. Capital stocks created under this Act to be consolidated with other capital stocks.
14. Treasury empowered to raise 7,000,000*l.*
15. Application of revenue.
16. Annual accounts to be laid before Parliament.
17. Regulations to be laid before Parliament.
18. Deeds to be exempt from stamp duty.
19. Messages to be deemed post letters.

SCHEDULE.

A

B I L L

TO

Alter and amend "The Telegraph Act, 1868." A.D. 1869.

Preamble. WHEREAS by "The Telegraph Act, 1868," Her Majesty's Postmaster General is empowered to purchase, in the manner therein mentioned, the whole or any part of the undertaking of any telegraph or other company authorized to transmit telegraphic messages in the United Kingdom except the undertakings of the Atlantic Telegraph Company and the Anglo-American Telegraph Company (Limited):

And whereas the Postmaster General is required by the said Act to make one uniform charge for the transmission of telegraphic messages throughout the United Kingdom:

And whereas by the said Act it is provided that in case no Act be passed in that or the next session of Parliament, putting at the disposal of the Postmaster General such monies as may be requisite for carrying into effect the objects and purposes of the said Act, the provisions contained therein or in the agreements thereby confirmed relating to the arrangements with railway and telegraph companies, and all proceedings thereunder, should become void; and the Postmaster General is required in that event to pay to the several companies therein mentioned all reasonable costs and expenses incurred by them in relation to any proceedings under the said Act:

And whereas, in order to ensure the charge for the transmission of telegraphic messages being as small as possible, and to protect the public revenue, it is expedient that similar powers to those conferred upon the Postmaster General with respect to the exclusive privilege of conveying letters should be enacted with reference to the transmission of public telegraphic messages; and that the said Act should be amended in other respects:

And whereas agreements have been entered into by or on behalf of the said Postmaster General for the acquisition of the under-

A.D. 1869.

takings of the several telegraph companies enumerated in the schedule to this Act, on payment to such companies respectively of the amounts set forth in such schedule, amounting in the whole to the sum of five millions seven hundred and fifteen thousand and forty-eight pounds eight shillings and eleven pence:

And whereas in further pursuance of the said Telegraph Act, 1868, the Postmaster General has entered into arrangements with divers railway companies, and negotiations are now pending between him and other railway companies as to their interest in telegraphic business, and it is estimated that the amount which will be required for the purchase by the Postmaster General on behalf of Her Majesty of the interest of such railway companies in telegraphic business will not exceed the sum of seven hundred thousand pounds:

And whereas it is estimated that the amount which will be required for the other purposes of the said recited Act and of this Act will not exceed the sum of three hundred thousand pounds:

And whereas it is necessary to give authority to the Commissioners of Her Majesty's Treasury to raise the funds which will be required to enable the Postmaster General to carry into effect the arrangements herein-before mentioned and the other purposes of the recited Act and of this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Telegraph Act, 1869," and this Act and "The Telegraph Act, 1868," may be cited together as "The Telegraph Acts 1868–1869."

The Telegraph Act, 1868, and this Act to form one Act.

2. The provisions of "The Telegraph Act, 1868," save so far as they are expressly repealed or varied by or inconsistent with the provisions of this Act, shall be incorporated and construed as one with this Act.

Interpretation of terms.

3. The following terms shall in this Act have the meanings herein-after assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

The term "telegraph" shall, in addition to the meaning assigned to it in "The Telegraph Act, 1863," mean and include any apparatus for transmitting messages or other communications by means of signals:

The term "telegram" shall mean any message or other communication transmitted or intended for transmission by a telegraph:

A.D. 1869.

The Postmaster General to have exclusive privilege of sending messages with certain exceptions.

4. The Postmaster General, by himself or by his deputies, and his and their respective servants and agents, shall, from and after the passing of this Act, have the exclusive privilege of transmitting telegrams within the United Kingdom of Great Britain and Ireland, except as herein-after provided; and shall also within that kingdom, have the exclusive privilege of performing all the incidental services of receiving, collecting, or delivering telegrams, except as herein-after provided.

Exceptions.

5. There shall be excepted from the said exclusive privileges of the Postmaster General all telegrams of the following descriptions; (that is to say,)

Telegrams in respect of the transmission of which no charge is made, transmitted by a telegraph maintained or used solely for private use, and relating to the business or private affairs of the owner thereof:

Telegrams transmitted, with the written licence or consent, either special or general, of the Postmaster General, under the hand of any officer of the Post Office, authorized for that purpose by the Postmaster General:

Telegrams transmitted by an existing telegraph company the undertaking of which shall not for the time being have been acquired by the Postmaster General; and for the purposes of this Act "an existing telegraph company" shall mean only a company which, by the seventh section of The Telegraph Act, 1868, is authorized to require the Postmaster General, in the event therein mentioned, to purchase its undertaking:

Telegrams transmitted by a railway or canal company in conformity with the provisions of "The Telegraph Act, 1868," or any agreement confirmed thereby, or made or to be made in pursuance thereof.

Penalty on contravention of Act.

6. Any company, corporation, or person who transmits, or aids, or is concerned in transmitting any telegram in contravention of the exclusive privilege conferred on the Postmaster General by this Act, or who receives, collects, or delivers any telegram in contravention of such exclusive privilege, or aids or is concerned in the receipt, collection, or delivery of such telegram in contravention of such privilege, shall, on summary conviction, be liable for every such offence to a penalty not exceeding five pounds, and where any person offending against this Act is a servant or person hired to do the act complained of, the master or other person employing such servant shall be subject to a like penalty.

A.D. 1869.

Incorporation of "Lands Clauses Consolidation Act, 1845."

7. For the purpose of facilitating the acquisition by the Postmaster General of the undertaking of any companies which he is authorized to purchase under this Act or "The Telegraph Act, 1868," "The Lands Clauses Consolidation Act, 1845," and the Act amending the same passed in the session of the twenty-third and twenty-fourth years of Her present Majesty, chapter one hundred and six, shall be incorporated with this Act with the exceptions and additions, and subject to the provisions herein-after contained; (that is to say),

(1.) There shall not be incorporated with this Act the sections and provisions of "The Lands Clauses Consolidation Act, 1845," herein-after mentioned, that is to say, section sixteen, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; section seventeen, whereby it is provided that the certificate of the trustees shall be evidence that the capital has been subscribed or the provisions relating to access to the special Act.

(2.) In the construction of this Act, and the said incorporated Acts, this Act shall be deemed to be "The special Act," and the Postmaster General shall be deemed to be "the "promoters of the undertaking," and the word "Lands" shall include the whole or any portion of "the undertaking," as defined by The Telegraph Act, 1868, of any company whose undertaking the Postmaster General is authorized to purchase under that Act or this Act, and any such undertaking shall, in the construction of this Act and the said incorporated Acts, be deemed to be lands authorized to be taken and required for the purposes of the special Act.

(3.) The bond required by section eighty-five of "The Lands "Clauses Consolidation Act, 1845," shall be under the common seal of the Postmaster General, and shall be sufficient without the addition of the sureties in the said section mentioned.

And any existing company with whom the Postmaster General may not come to an agreement with respect to the amount of compensation to be paid to them for their undertaking may have such amount settled by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845."

Discharge of application of purchase moneys.

8. The Postmaster General shall not be responsible for the application of any monies paid in respect of any undertaking

acquired by him in pursuance of the Telegraph Acts, 1868 or 1869, or either of them, and it shall be the duty of the company, corporation, or person to whom such monies may be paid, to apply such monies in payment of all debts, claims, and demands due from such company, corporation, or person on, out of, or in respect of or relating to any such undertaking; and upon payment by the said Postmaster General to any company, corporation, or person of the purchase money due in respect of any undertaking purchased of such company, corporation or person, the undertaking shall absolutely vest in the Postmaster General, free from all debts, claims, demands, and incumbrances whatsoever, except rents or payments in respect of any property held on lease or under agreement, and used in connexion with any such undertaking, anything in the Telegraph Act, 1868, to the contrary notwithstanding.

Power to raise money.

9. The Commissioners of Her Majesty's Treasury may raise for the purposes of the Telegraph Acts, 1868–1869, any sum or sums of money, not exceeding in the whole seven million pounds sterling, by the creation of terminable annuities for any period of years not exceeding thirty, or by the creation of Exchequer bills, or Exchequer bonds, or of three pounds per centum per annum capital stocks of annuities, or by all or any of these modes:

Monies to be placed at the disposal of the Postmaster General under regulations.

10. The amount so raised, or the stock so created, shall be placed to an account at the Bank of England in the names of the Commissioners for the Reduction of the National Debt, and shall be at the disposal of the Postmaster General for the purposes of the Telegraph Acts, under such regulations as shall be prescribed by the Commissioners of Her Majesty's Treasury.

Creation of terminable annuities.

11. The said terminable annuities shall be created by warrant under the hands of the Commissioners of Her Majesty's Treasury, directed to the Governor and Company of the Bank of England, authorizing and directing them to inscribe in the books of the said governor and company the amount of such terminable annuities into the names of the party or parties set forth in such warrant, and such warrant shall be a sufficient authority to the said governor and company for so doing, and such annuities, if made terminable on the fifth day of April one thousand eight hundred and eighty-five, shall be consolidated with the terminable annuities created under the authority of the Act thirty and thirty-one Victoria, chapter one hundred and forty-five, and preceding Acts, and be transferable in like manner as other terminable annuities in the books of the Governor and Company of the Bank of England.

A.D. 1869.

Exchequer bills and bonds.

12. The said Exchequer bills and Exchequer bonds shall be prepared in the form and manner prescribed by the Act twenty-nine Victoria, chapter twenty-five, and shall be paid off at par at any period not exceeding five years.

Capital stocks created under this Act to be consolidated with other capital stocks.

13. The three pounds per centum per annum capital stocks of annuities, if created under the authority of this Act, shall be consolidated in the books of the Governor and Company of the Bank of England with the capital stocks of annuities, bearing the like rate of interest, the interest upon which is payable upon the fifth January and fifth July in each year, and shall be transferable in the books of the said governor and company in like manner as the capital stocks of annuities with which they are consolidated, and shall have the like rights and be subject to the like conditions as the said annuities with which they are consolidated.

Treasury empowered to raise 7,000,000*l.*

14. It shall be lawful for the Commissioners of the Treasury to borrow, upon the credit of the securities created under this Act, any sum or sums of money, not exceeding in the whole seven million pounds sterling, anything in an Act of the reign of King William and Queen Mary, chapter twenty, or any subsequent Act, to the contrary notwithstanding.

Application of revenue.

15. The gross revenue received by the Postmaster General for the transmission of messages by means of electric telegraphs shall be paid into the Exchequer to the account of the Consolidated Fund; and the expenses incurred in working, maintaining, or extending telegraphs shall be paid out of monies to be voted by Parliament.

Annual accounts to be laid before Parliament.

16. There shall be laid before both Houses of Parliament on or before the thirty-first day of March in every year an account showing the gross amount received during the previous year ending the thirty-first day of December, the amount of such expenses incurred during the year, and the balance remaining applicable to pay the annuities, or the interest falling due upon the securities issued under the authority of this Act, and as a sinking fund for the redemption of such securities; and the surplus remaining after deducting the amount of such expenses and of such annuities and interest shall be issued out of the Consolidated Fund, or the growing produce thereof, to the Commissioners for the Reduction of the National Debt, to be applied in reduction of debt to an amount equivalent to that created by the annuities or securities issued under the provisions of this Act.

Regulations to be laid before Parliament.

17. A copy of all regulations which may be made by the Post-master General, with the consent of the Commissioners of Her

Majesty's Treasury under the said Telegraph Acts, shall also be laid before both Houses of Parliament. A.D. 1869.

Deeds to be exempt from stamp duty.

18. No deed or other instrument which shall be made or executed by, to, or with Her Majesty's Postmaster General, or otherwise, for any of the purposes of "The Telegraph Act, 1868," or of this Act, shall be subject or liable to any stamp duty imposed by any Act now in force, nor to any stamp duty to be imposed by any future Act, unless such instruments be specially subjected and specifically charged therewith by any future Act, and the fifth section of "The Telegraph Act, 1868," shall be read and shall operate as if the words "duly stamped" had not been inserted therein.

Messages to be deemed post letters.

19. Every written or printed message or communication delivered at a post office for the purpose of being transmitted by a postal telegraph, and every transcript thereof made by any person acting in pursuance of the orders of the Postmaster General, shall be a post letter within the meaning of the said Act passed in the first year of the reign of Her present Majesty, chapter thirty-six.

The SCHEDULE to which the foregoing Act refers.

Names of Telegraph Companies with whom arrangements have been made pursuant to the Telegraph Acts.	Amounts payable to Telegraph Companies under the Telegraph Acts.
	£ s. d.
The Electric and International Telegraph Company	2,938,826 9 0
The British and Irish Magnetic Telegraph Company, Limited	1,243,536 0 0
Reuter's Telegram Company, Limited	726,000 0 0
The United Kingdom Electric Telegraph Company, Limited	562,264 9 11
The Universal Private Telegraph Company	184,421 10 0
The London and Provincial Telegraph Company, Limited	60,000 0 0
	5,715,048 8 11

Telegraphs.

A

B I L L

To alter and amend "The Telegraph Act, 1868."

(*Prepared and brought in by Mr. Dodson, The Marquis of Hartington, Mr. Chancellor of the Exchequer, and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed*, 6 *July* 1869.

[Bill 197.]

Under 2 *oz.*

Telegraphs Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short title.
2. The Telegraph Act, 1868, and this Act to form one Act.
3. Interpretation of terms.
4. The Postmaster General to have exclusive privilege of sending messages, with certain exceptions.
5. Exceptions.
6. Penalty on contravention of Act.
7. Purchase of undertakings other than those referred to in the Act of 1868.
8. Certain companies may require the Postmaster General to purchase their undertakings.
9. Postmaster General not required to purchase undertakings without the United Kingdom.
10. Incorporation of "Lands Clauses Consolidation Act, 1845."
11. Purchase money to be paid into the bank in certain events.
12. Postmaster General must transmit foreign messages.
13. Power to raise money.
14. Monies to be placed at the disposal of the Postmaster General under regulations.
15. Creation of terminable annuities.
16. Exchequer bills and bonds.
17. Capital stocks created under this Act to be consolidated with other capital stocks.
18. Treasury empowered to raise 7,000,000*l.*
19. Application of revenue.
20. Annual accounts to be laid before Parliament.
21. Regulations to be laid before Parliament.
22. Saving rights under agreement of 8th July 1868.
23. Deeds to be exempt from stamp duty.
24. Messages to be deemed post letters.
25. The provisions of Telegraph Acts to be "Post Office Laws."

SCHEDULE.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Alter and amend "The Telegraph Act, 1868." A.D. 1869.

Preamble. WHEREAS by "The Telegraph Act, 1868," Her Majesty's Postmaster General is empowered to purchase, in the manner therein mentioned, the whole or any part of the undertaking of any telegraph or other company authorized to transmit telegraphic messages in the United Kingdom except the undertakings of the Atlantic Telegraph Company and the Anglo-American Telegraph Company (Limited):

And whereas the Postmaster General is required by the said Act to make one uniform charge for the transmission of telegraphic messages throughout the United Kingdom:

And whereas by the said Act it is provided that in case no Act be passed in that or the next session of Parliament, putting at the disposal of the Postmaster General such monies as may be requisite for carrying into effect the objects and purposes of the said Act, the provisions contained therein or in the agreements thereby confirmed relating to the arrangements with railway and telegraph companies, and all proceedings thereunder, should become void; and the Postmaster General is required in that event to pay to the several companies therein mentioned all reasonable costs and expenses incurred by them in relation to any proceedings under the said Act:

And whereas, in order to protect the public revenue, it is expedient that similar powers to those conferred upon the Postmaster General with respect to the exclusive privilege of conveying letters should be enacted, within the limits herein-after mentioned, with reference to the transmission of public telegraphic messages within the United Kingdom of Great Britain and Ireland; and that the said Act should be amended in other respects:

And whereas agreements have been entered into by or on behalf of the said Postmaster General for the acquisition of the under-

A.D. 1869.

takings of the several telegraph companies enumerated in the schedule to this Act, on payment to such companies respectively of the amounts set forth in such schedule, amounting in the whole to the sum of five millions seven hundred and fifteen thousand and forty-eight pounds eight shillings and eleven pence:

And whereas in further pursuance of the said Telegraph Act, 1868, the Postmaster General has entered into arrangements with divers railway companies, and negotiations are now pending between him and other railway companies as to their interest in telegraphic business, and it is estimated that the amount which will be required for the purchase by the Postmaster General on behalf of Her Majesty of the interest of such railway companies in telegraphic business will not exceed the sum of seven hundred thousand pounds:

And whereas it is estimated that the amount which will be required for the other purposes of the said recited Act and of this Act will not exceed the sum of three hundred thousand pounds:

And whereas it is necessary to give authority to the Commissioners of Her Majesty's Treasury to raise the funds which will be required to enable the Postmaster General to carry into effect the arrangements herein-before mentioned and the other purposes of the recited Act and of this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Telegraph Act, 1869," and this Act and "The Telegraph Act, 1868," may be cited together as "The Telegraph Acts 1868–1869."

The Telegraph Act, 1868, and this Act to form one Act.

2. The provisions of "The Telegraph Act, 1868," save so far as they are expressly repealed or varied by or inconsistent with the provisions of this Act, shall be incorporated and construed as one with this Act.

Interpretation of terms.

3. The following terms shall in this Act have the meanings herein-after assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

The term "telegraph" shall, in addition to the meaning assigned to it in "The Telegraph Act, 1863," mean and include any apparatus for transmitting messages or other communications by means of signals:

The term "telegram" shall mean any message or other communication transmitted or intended for transmission by a telegraph:

The term "telegraph company" shall mean any company, corporation, or persons for the time being engaged in transmitting or, by any instrument incorporating the same, authorized to transmit telegrams within the United Kingdom of Great Britain and Ireland, for money or other consideration:

The term "undertaking," when used with reference to a telegraph company, shall mean all the rights, powers, privileges, works, and other property of such company acquired or used for the transmission of telegrams within the United Kingdom of Great Britain and Ireland, for money or other consideration.

The Postmaster General to have exclusive privilege of sending messages, with certain exceptions.

4. The Postmaster General, by himself or by his deputies, and his and their respective servants and agents, shall, from and after the passing of this Act, for the period of seven years and until the end of the then next session of Parliament, have the exclusive privilege of transmitting telegrams within the United Kingdom of Great Britain and Ireland, except as herein-after provided; and shall also within that kingdom have the exclusive privilege of performing all the incidental services of receiving, collecting, or delivering telegrams, except as herein-after provided: Provided that in the event of any Bill being introduced into Parliament during such term to extend the period of or to make perpetual the enjoyment of such exclusive privilege, no company, corporation, or person shall have any locus standi to be heard against such extension or perpetuation, or be entitled to any compensation, by reason thereof.

Exceptions.

5. There shall be excepted from the said exclusive privileges of the Postmaster General all telegrams of the following descriptions; (that is to say,)

Telegrams in respect of the transmission of which no charge is made, transmitted by a telegraph maintained or used solely for private use, and relating to the business or private affairs of the owner thereof:

Telegrams transmitted, with the written licence or consent, either special or general, of the Postmaster General, under the hand of any officer of the Post Office, authorized for that purpose by the Postmaster General:

Telegrams transmitted by a telegraph company existing on the twenty-second day of July one thousand eight hundred and sixty-nine, the undertaking of which shall not for the time being have been acquired by the Postmaster General:

A.D. 1869.

Telegrams the transmission of which is authorized by the provisions of "The Telegraph Act, 1868," or any agreement confirmed thereby, or made or to be made in pursuance thereof:

Telegrams transmitted from or to any place beyond the United Kingdom.

Penalty on contravention of Act.

6. Any company, corporation, or person who transmits, or aids, or is concerned in transmitting any telegram in contravention of the exclusive privilege conferred on the Postmaster General by this Act, or who receives, collects, or delivers any telegram in contravention of such exclusive privilege, or aids or is concerned in the receipt, collection, or delivery of such telegram in contravention of such privilege, shall, on summary conviction, be liable for every such offence to a penalty not exceeding five pounds; and where any person offending against this Act is a servant or person hired to do the act complained of, the master or other person employing such servant shall be subject to a like penalty.

Purchase of undertakings other than those referred to in the Act of 1868.

7. At any time after the passing of this Act it shall be lawful for the Postmaster-General, with the consent of the Lords Commissioners of Her Majesty's Treasury, to purchase the undertaking of any telegraph company which he shall not for the time being have agreed to purchase or been required to purchase under the provisions of "The Telegraph Act, 1868," and it shall be lawful for such telegraph company, and they are hereby required, to sell, convey, and assure their undertaking, and to give valid discharges for the purchase money in pursuance of such notice: Provided always, that any part of such undertaking may be excepted from such purchase if the Postmaster-General and the company shall so agree.

Certain Companies may require the Postmaster General to purchase their undertakings.

8. The Postmaster General shall, upon the request in writing of any telegraph company existing on the twenty-second day of July one thousand eight hundred and sixty-nine, purchase the whole or any part of the undertaking of such company, provided such request be made within twelve months after the passing of this Act; and he shall accordingly, within one month after the receipt by him of any such request, give notice in writing of his intention to make such purchase; and it shall be lawful for such telegraph company, and they are hereby required, to sell, convey, and assure their undertaking accordingly, and to give valid discharges for the purchase money.

Postmaster General not required to

9. Provided always, that the Postmaster General shall not by virtue of this Act be authorized or required to purchase the whole

or any part of the undertaking of any company engaged in the transmission of telegrams to or from any place out of the United Kingdom of Great Britain and Ireland.

purchase undertakings without the United Kingdom.

10. For the purpose of facilitating the acquisition by the Postmaster General of the undertaking of any company which he is authorized to purchase under this Act or "The Telegraph Act, 1868," "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation (Scotland) Act, 1845," and the Act amending those Acts, passed in the session of the twenty-third and twenty-fourth years of Her present Majesty, chapter one hundred and six, shall be incorporated with this Act, with the exceptions and additions and subject to the provisions herein-after contained; (that is to say,)

Incorporation of "Lands Clauses Consolidation Act, 1845."

(1.) There shall not be incorporated with this Act the sections and provisions of "The Lands Clauses Consolidation Acts, 1845," herein-after mentioned, that is to say, the sections whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; the sections whereby it is provided that the certificate of two justices or the sheriff, as the case may be, shall be evidence that the capital has been subscribed or the provisions relating to access to the special Act.

(2.) In the construction of this Act and the said incorporated Acts, this Act shall be deemed to be "the special Act," and the Postmaster General shall be deemed to be "the "promoters of the undertaking," and the word "lands" shall include the whole or any portion of "the undertaking" of any company whose undertaking the Postmaster General is authorized to purchase under the Telegraph Acts or either of them, and any such undertaking shall, in the construction of this Act and the said incorporated Acts, be deemed to be lands authorized to be taken and required for the purposes of the special Act.

(3.) The bond required by the incorporated Acts respectively shall be under the common seal of the Postmaster General, and shall be sufficient without the addition of the sureties in the said Acts mentioned.

And any telegraph company with whom the Postmaster General may not come to an agreement with respect to the amount of compensation to be paid to them for their undertaking (unless the contrary shall be expressly declared by "The Telegraph Act, 1868," or any agreement confirmed thereby) may have such amount settled

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by arbitration in manner provided by "The Lands Clauses Consolidation Acts, 1845."

Purchase money to be paid into the bank in certain events.

11. In every case in which any company shall neglect or fail to assure, or to procure all other necessary and proper parties to concur in assuring, to the Postmaster General, free from all mortgage and other debts, any undertaking which shall have been purchased by him under the provisions of the Telegraph Acts or either of them, it shall be lawful for the Postmaster General to deposit the purchase money which shall have been agreed or awarded to be paid in respect of such undertaking in the bank to the credit of such company and the incumbrancers thereof, if any, in manner provided by the seventy-sixth section of "The Lands Clauses Consolidation Act, 1845," or the seventy-fifth section of "The Lands Clauses Consolidation (Scotland) Act, 1845," as the case may be, with respect to monies deposited under those sections respectively, and thereupon such undertaking shall absolutely vest in the Postmaster General, free from all mortgage or other debts of such company; and the monies so deposited shall be dealt with in manner provided by the said incorporated Acts respectively with respect to monies deposited in pursuance of the seventy-fifth or seventy-sixth sections of those Acts respectively.

Postmaster General must transmit foreign messages.

12. The Postmaster General shall, upon the request in writing of any company or persons constituted for the transmission of telegrams from or to places beyond the United Kingdom, make all necessary arrangements for the transmission of such telegrams within the United Kingdom, and for the connection with that view of the cables or other apparatus of such companies or persons with the apparatus of the Postmaster General; and if any question arises as to the reasonableness of such request, or as to the nature or sufficiency of such arrangements, or as to the payments to be made by the company or person requiring the same, in respect of the acts done or services performed by the Postmaster General with respect to the matters aforesaid, every such question shall from time to time be settled by arbitration in the manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration: Provided, that the Postmaster General may contract with any such company or person with respect to any of the matters aforesaid, and with respect to the construction or use of wires and other telegraphic apparatus in connection with those of the Postmaster General for the purpose of the transmission of such telegrams.

A.D. 1869.

Power to raise money.

13. The Commissioners of Her Majesty's Treasury may raise for the purposes of the Telegraph Acts, 1868–1869, any sum or sums of money, not exceeding in the whole seven million pounds sterling, by the creation of terminable annuities for any period of years not exceeding thirty, or by the creation of Exchequer bills, or Exchequer bonds, or of three pounds per centum per annum capital stocks of annuities, or by all or any of these modes; and the interest upon such securities shall be chargeable upon and payable out of the Consolidated Fund or the growing produce thereof.

Monies to be placed at the disposal of the Postmaster General under regulations.

14. The amount so raised, or the stock so created, shall be placed to an account at the Bank of England in the names of the Commissioners for the Reduction of the National Debt, and shall be appropriated by the said commissioners in such manner and transferred to such parties as shall be directed by the Postmaster General for the purposes of the Telegraph Acts, under such regulations as shall be prescribed by the Commissioners of Her Majesty's Treasury.

Creation of terminable annuities.

15. The said stock and the said terminable annuities shall be created by warrant under the hands of the Commissioners of Her Majesty's Treasury, directed to the Governor and Company of the Bank of England, authorizing and directing them to inscribe in the books of the said governor and company the amount of such three per cent. stock and of such terminable annuities into the names of the Commissioners for the Reduction of the National Debt, and such warrant shall be a sufficient authority to the said governor and company for so doing, and such annuities, if made terminable on the fifth day of April one thousand eight hundred and eighty-five, shall be consolidated with the terminable annuities created under the authority of the Act thirty and thirty-one Victoria, chapter one hundred and forty-five, and preceding Acts, and be transferable in like manner as other terminable annuities in the books of the Governor and Company of the Bank of England.

Exchequer bills and bonds.

16. The said Exchequer bills and Exchequer bonds shall be prepared in the form and manner prescribed by the Act twenty-nine Victoria, chapter twenty-five, and shall be paid off at par at any period not exceeding five years.

Capital stocks created under this Act to be consolidated with other capital stocks.

17. The three pounds per centum per annum capital stocks of annuities, if created under the authority of this Act, shall be consolidated in the books of the Governor and Company of the Bank of England with the capital stocks of annuities, bearing the like rate of interest, the interest upon which is payable upon the fifth January and fifth July in each year, and shall be transferable in the books of

A.D. 1869.

the said governor and company in like manner as the capital stocks of annuities with which they are consolidated, and shall have the like rights and be subject to the like conditions as the said annuities with which they are consolidated.

Treasury empowered to raise 7,000,000*l.*

18. It shall be lawful for the Governor and Company of the Bank of England to lend upon the credit of the securities created under this Act any sum or sums of money, not exceeding in the whole seven million pounds sterling, anything in an Act of the reign of King William and Queen Mary, chapter twenty, or any subsequent Act, to the contrary notwithstanding.

Application of revenue.

19. The gross revenue received by the Postmaster General for the transmission of messages by means of electric telegraphs shall be paid into the Exchequer to the account of the Consolidated Fund; and the expenses incurred in working, maintaining, or extending telegraphs shall be paid out of monies to be voted by Parliament.

Annual accounts to be laid before Parliament.

20. There shall be laid before both Houses of Parliament on or before the thirty-first day of March in every year an account showing the gross amount received during the previous year ending the thirty-first day of December, the amount of such expenses incurred during the year, and the balance remaining applicable to pay the annuities, or the interest falling due upon the securities issued under the authority of this Act, and as a sinking fund for the redemption of such securities; and the surplus remaining after deducting the amount of such expenses and of such annuities and interest shall be issued out of the Consolidated Fund, or the growing produce thereof, to the Commissioners for the Reduction of the National Debt, to be applied in reduction of debt to an amount equivalent to that created by the annuities or securities issued under the provisions of this Act.

Regulations to be laid before Parliament.

21. A copy of all regulations which may be made by the Postmaster General, with the consent of the Commissioners of Her Majesty's Treasury, under the said Telegraph Acts, shall also be laid before both Houses of Parliament.

Saving rights under agreement of 8th July 1868.

22. Nothing in this Act contained shall take away, lessen, prejudice, or affect any of the rights, powers, or interests of the Atlantic Telegraph Company and the Anglo-American Telegraph Company, Limited, or either of them, under the agreement of eighth July one thousand eight hundred and sixty-eight, referred to in the schedule to "The Telegraph Act, 1868," and confirmed by that Act.

Deeds to be exempt from stamp duty.

23. No deed or other instrument which shall be made or executed by, to, or with Her Majesty's Postmaster General, or

otherwise, for any of the purposes of "The Telegraph Act, 1868," or of this Act, shall be subject or liable to any stamp duty imposed by any Act now in force, nor to any stamp duty to be imposed by any future Act, unless such instruments be specially subjected and specifically charged therewith by any future Act, and the fifth section of "The Telegraph Act, 1868," shall be read and shall operate as if the words "duly stamped" had not been inserted therein.

Messages to be deemed post letters.

24. Every written or printed message or communication delivered at a post office for the purpose of being transmitted by a postal telegraph, and every transcript thereof made by any person acting in pursuance of the orders of the Postmaster General, shall be a post letter within the meaning of an Act passed in the first year of the reign of Her present Majesty, chapter thirty-six.

The provisions of Telegraph Acts to be "Post Office Laws."

25. "The Telegraph Act, 1868," and this Act shall be "Post Office Acts," and the provisions contained therein respectively shall be "Post Office Laws," within the meaning of an Act passed in the first year of the reign of Her present Majesty, chapter thirty-six.

The SCHEDULE to which the foregoing Act refers.

Names of Telegraph Companies with whom arrangements have been made pursuant to the Telegraph Acts.	Amounts payable to Telegraph Companies under the Telegraph Acts.
	£ s. d.
The Electric and International Telegraph Company	2,938,826 9 0
The British and Irish Magnetic Telegraph Company, Limited	1,243,536 0 0
Reuter's Telegram Company, Limited	726,000 0 0
The United Kingdom Electric Telegraph Company, Limited	562,264 9 11
The Universal Private Telegraph Company	184,421 10 0
The London and Provincial Telegraph Company, Limited	60,000 0 0
	5,715,048 8 11

Telegraphs.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To alter and amend "The Telegraph Act, 1868."

(*Prepared and brought in by Mr. Dodson, The Marquis of Hartington, Mr. Chancellor of the Exchequer, and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed*, 22 *July* 1869.

[Bill 233.]

Under 2 *oz.*

A

B I L L

TO

Extend to Burial Grounds the Provisions of the Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Twenty-eight, intituled "An Act to render more simple "and effectual the Titles by which Congregations and "Societies for Purposes of Religious Worship or Education "in England and Ireland hold Property for such Purposes." A.D. 1869.

WHEREAS it is expedient to extend the provisions of the said Act so as to include burial grounds:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Provisions of recited Act extended to burial grounds.

1. Wherever freehold, leasehold, copyhold, or customary property in England or Wales has been or hereafter shall be acquired by any congregation or society or body of persons associated for religious purposes as a burial ground, whether in use or closed, all the provisions in the said recited Act made applicable to a chapel, meeting-house, or other place of religious worship shall be applicable to such burial ground, and this Act and the said recited Act shall be construed as one Act: Provided always, that nothing herein contained shall in any way interfere with the Burial Acts. Proviso.

Titles of Religious Congregations Act Extension.

A

B I L L

To extend to Burial Grounds the Provisions of the Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Twenty-eight, intituled "An Act to render more simple and "effectual the Titles by which Congregations and Societies for Purposes of Religious Worship or "Education in England and Ireland "hold Property for such Purposes."

(*Prepared and brought in by Mr. Headlam and Mr. Pease.*)

Ordered, by The House of Commons, *to be Printed,* 13 *May* 1869.

[Bill 127.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Titles to Land Consolidation (Scotland) Act, 1868." A.D. 1869.

WHEREAS it is expedient to amend "The Titles to Land Consolidation (Scotland) Act, 1868:" Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

1. This Act may be cited for all purposes as "The Titles to Land Consolidation (Scotland) Amendment Act, 1869."

2. Section twenty-two of the recited Act is hereby repealed, and in place thereof it is enacted as follows: Assignations to unrecorded conveyances.

It shall be competent to any person having right to an unrecorded deed or conveyance, whether granted in favor of himself or originally granted in favor of another person, to assign the deed or conveyance in or as nearly as may be in the Form No. 1 of Schedule (M.) to this Act annexed, setting forth the deed or conveyance, and the title or series of titles, if any, by which he acquired right to the same, and the nature of the right assigned; and the assignation, or, in the event of there being more than one, the successive assignations, may be recorded in the appropriate register of sasines along with the deed or conveyance itself, and a warrant of registration thereon, in or as nearly as may be in the Form No. 2 of Schedule (H.) hereto annexed; and it shall be competent to write the assignation or assignations on the deed or conveyance itself, in or as nearly as may be in the Form No. 2 of Schedule (M.) hereto annexed, setting forth the deed or conveyance and the title or series of titles, if any, by which such person acquired right to the same, and the nature of the right assigned;

A.D. 1869.

in which case the assignation or assignations, and the deed or conveyance may be so recorded along with the warrant of registration thereon, which warrant shall be in, or as nearly as may be in the Form No. 1 of Schedule (H.) hereto annexed; and the deed or conveyance, with the warrant of registration, and the assignation or assignations, separate from the deed or conveyance, and those written upon the deed or conveyance, if any, and all similar assignations granted before the commencement of this Act being so recorded shall operate in favour of the assignee on whose behalf they are presented for registration as fully and effectually as if the lands contained in the assignation, or, if there be more than one in the last assignation, had been disponed by the original deed or conveyance in favor of such assignee, and the deed or conveyance with the warrant of registration had been recorded, in the manner herein-before provided, of the date of recording such deed, or conveyance and assignation, or assignations; and all deeds or conveyances with a warrant of registration and assignation, or assignations, written thereon, or with an assignation, or assignations, separate therefrom, that may have been so recorded before the commencement of this Act, shall operate in favour of the assignees on whose behalf the same shall have been so recorded, as effectually as is herein-before provided in regard to a recorded deed, or conveyance, with a warrant of registration and assignation or assignations written thereon, notwithstanding that such assignation or assignations may not have been docqueted with reference to such warrant, or referred to therein as being so docqueted.

Mode of completing title by a judicial factor on a trust estate, &c.

3. Section twenty-four of the recited Act is hereby repealed, and in place thereof it is enacted as follows:

Where in a petition to the Court of Session for the appointment of a judicial factor authority has been or shall be asked for the completion of a title by such factor to any lands forming the whole or part of the estate to be managed by such judicial factor, or where a judicial factor has applied or shall apply, by petition or note to the said Court, for authority to complete a title to such lands, and where any petition or note has specified and described or shall specify and describe the lands to which such title is to be completed, or has referred or shall refer to the description of the same, in the form, or as nearly as may be in the form, of Schedule (E.) hereto annexed, or of Schedule (G.) hereto annexed, as the case may be, the warrant granted for completing such title shall also so specify and describe the lands to which such title is to be completed, or

shall so refer to the description thereof; and such warrant shall be held to be a conveyance in due and common form of the lands therein specified in favor of such judicial factor granted by the person, whether in life or deceased, whose estate is under judicial management, or where the estate is that of a pupil, minor, or lunatic, in whose person a bill has not been made up, such warrant shall be held to be such a conveyance in favor of the pupil, minor, or lunatic, or of the factor on his estate, granted by a predecessor, or author having such title, or where such judicial factor has been or shall be appointed on a trust estate which shall have been vested in a trustee or former judicial factor, such warrant shall be held to be such a conveyance granted by such trustee or former factor, whether in life or deceased, for the purposes of such trust, to be holden in the case of lands not held by burgage tenure in the manner and to the effect, and subject to the provisions enacted and provided in the sixth section of this Act in the case of conveyances in which no manner of holding is expressed, and in the case of lands held by burgage tenure to be holden of Her Majesty in free burgage; and such warrant may, with warrant of registration thereon, be recorded in the appropriate register of sasines as a conveyance in favor of such judicial factor, or pupil, minor, or lunatic, or of the factor on his estate, and being so recorded shall have the same force and effect as if at the date of such recording such conveyance had been granted to the judicial factor, or pupil, minor, or lunatic, or the factor on his estate, and recorded in the appropriate register of sasines: Provided always, that for enabling the person in whom such lands were last vested, or his representatives, or other parties interested, to bring forward competent objections against such warrant being granted, or claims upon the estate, the Court shall order such intimation and service of the petition or note as to them shall seem proper: Declaring always, that the whole enactments and provisions herein contained shall extend and apply to all petitions to and warrants by the Court of Session under "The Trusts (Scotland) Act, 1867," unless in so far as such provisions and enactments may be inapplicable to the form or objects of such petitions or warrants.

Subject superior may be compelled to grant entries by confirmation.

4. Section ninety-seven of the recited Act is hereby repealed, and in place thereof it is enacted as follows:

Where any person is or shall be infeft in lands holden of a subject superior upon a conveyance or deed of or relating to such lands

A.D. 1869.

granted by or derived from the person last entered with the superior and infeft, or granted by or derived from a person whose own title to such lands is capable being made public by confirmation according to the existing law and practice, which conveyance or deed shall contain an obligation to infeft a me, or a me vel de me, or shall contain a clause expressing the manner of holding to be a me, or a me vel de me, or shall imply that the manner of holding is a me, or a me vel de me, or upon any conveyance or deed which under this Act or any of the repealed Acts shall be equivalent to or have the effect of such a conveyance, it shall be lawful and competent for such person, upon production to the lord ordinary on the bills in the Court of Session of his infeftment, whether the same shall consist of such conveyance or deed itself with a warrant of registration thereon in his favor, recorded in the appropriate register of sasines, or of an instrument or instruments in his favor, applicable to such lands, following on such conveyance or deed, and recorded in the appropriate register of sasines and warrants of the same, and upon showing the terms and conditions under which the said lands are holden of the superior thereof, to obtain warrant for letters of horning to charge the superior to grant in favour of such person a writ or charter of confirmation in the same way and form as is provided and in use for compelling entry by resignation: Provided always, that the charger shall at the same time pay or tender to such superior such duties or casualties as he is by law entitled to receive upon the entry of the charger, and that it shall be lawful for every such superior to show cause why he ought not to be compelled to give obedience to such charge by presenting a note of suspension to the Court of Session in the usual manner.

Bonds and dispositions in security may be granted in the Form No. 1 of Schedule (F.F.)

5. Section one hundred and eighteen of the recited Act is hereby repealed, and in place thereof it is enacted as follows:

From and after the commencement of this Act it shall be lawful and competent for any person entitled to grant an heritable security by way of bond and disposition in security to grant the same in the Form, or as nearly as may be in the Form No. 1 of Schedule (FF.) hereto annexed; and the registration in the appropriate register of sasines of such bond and disposition in security, or of any bond and disposition in security, granted according to any of the forms competent, or in use prior to the commencement of this Act, shall be as effectual and operative to all intents and purposes as if such bond and disposition in security had contained, in the

case of lands not held by burgage tenure an obligation to infeft a me vel de me, procuratory of resignation and precept of sasine, and in the case of lands held by burgage tenure an obligation to infeft more burgi and a procuratory of resignation, all in the words and form in use prior to the thirtieth day of September one thousand eight hundred and forty-seven, and as if sasine or resignation and sasine, as the case may be, had been duly made, accepted, and given thereon in favor of the original creditor, and an instrument of sasine, or of resignation and sasine, as the case may be, in favor of such creditor had been duly recorded in the appropriate register of sasines of the date of the registration of the said bond and disposition in security as aforesaid.

Explanation of clauses in Schedule (FF.) No. 1.

6. Section one hundred and nineteen of the recited Act is hereby repealed, and in place thereof it is enacted as follows:

The import of the clauses of the Form of No. 1 of the said Schedule (F F.) occurring in any bond and disposition in security, whether granted before or after the commencement of this Act, shall be as follows, videlicet, the clause obliging the grantor to pay the amount due under the bond, principal, interest, and penalty to the creditor, his heirs, executors, or assignees, shall, unless where executors are excluded, be held to import an obligation to pay the same to the creditor and his representatives in mobilibus and his assignees, and where there is or shall be such exclusion, to the creditor and his heirs and assignees, the clause disponing the lands to such creditor, and his foresaids heritably shall, unless where executors are excluded, be held to import a disposition of such lands to such creditor and his representatives in mobilibus and his assignees, and where there is or shall be such exclusion to such creditor and his heirs and assignees in security, in manner specified in the bond and disposition in security, with all the rights and powers at present competent to a creditor and his heirs under such a security, the clause of assignation of rents shall be held to import an assignation to the creditor and his representatives in mobilibus or his heirs, as the case may be, and to his assignees, to the rents to become due or payable from and after the date from which interest on the sum in the security commences to run, in the fuller form generally in use prior to the thirtieth day of September one thousand eight hundred and forty-seven, including therein a power to the creditor and his foresaids on default in payment to enter into possession of the lands disponed in security, and uplift the

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rents thereof, or to uplift the rents thereof if the lands are not disponed in security, and to insure all buildings against loss by fire, and to make all necessary repairs on the buildings, subject to accounting to the debtor for any balance of rents actually recovered beyond what is necessary for payment to such creditor and his foresaids of the sums, principal, interest, and penalty, due to him or them under such security, and of all expenses incurred by him or them in reference to such possession, including the expenses of management, insurance, and repairs; and the clause of assignation of writs shall be held to import an assignation to the creditor and his foresaids to writs and evidents to the same effect as in the fuller form generally in use in a bond and disposition in security, with power of sale, prior to the thirtieth day of September One thousand eight hundred and forty-seven; and the clause of warrandice shall be held to import absolute warrandice as regards the lands and the title-deeds thereof, and warrandice from fact and deed as regards the rents; and clause consenting to registration for preservation and execution shall have the meaning and effect assigned to such clause in the one hundred and thirty-eighth section of this Act; the clauses reserving right of redemption and obliging the grantor to pay the expenses of assigning or discharging the security, and, on default in payment, granting power of sale, shall have the same import, and shall be in all respects as valid, effectual, and operative as if it had been in such bond and disposition in security specially provided and declared that the lands and others thereby disponed should be redeemable by the grantor from the grantee, at the term and place of payment, or at any term of Whitsunday or Martinmas thereafter, upon premonition of three months, to be made by the grantor to the grantee personally, or at his dwelling place, if within Scotland, and if furth thereof at the time, then at the office of the Keeper of the Record of Edictal Citations within the General Register House, Edinburgh, in presence of a notary public and witnesses; and that by payment to him of the whole principal sum payable under the bond and disposition in security, interest due thereon, and liquidated expenses, and termly failures corresponding thereto, if incurred; and in case of his absence or refusal to receive the same, by consignation thereof in the bank specified in the security, if any bank shall be so specified, and if not, then in one or other of the banks in Scotland incorporated by Act of Parliament or Royal Charter, having an office or branch at the place of payment; to be made furthcoming

Clauses reserving right of redemption and of obligation to pay expense of assignation or discharge and power of sale valid, &c.

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on the peril of the consigner; the place of redemption to be within the office of such bank or branch thereof; and as if it had been thereby further provided and declared that any discharge and renunciation, disposition and assignation, or other deed necessary to be granted by the grantee upon the grantor making payment and redeeming as aforesaid, and also the recording thereof should always be at the expense of the grantor; and as if it had been thereby further provided and declared, that if the grantor should fail to make payment of the sums that should be due by the personal obligation contained in the said bond and deposition in security, within three months after a demand of payment intimated to the grantor, whether of full age or in pupillarity or minority, or although subject to any legal incapacity, personally or at his dwelling place if within Scotland, or if furth thereof at the office of the keeper of the Record of Edictal Citations above mentioned, in presence of a notary public and witnesses, and which demand for payment may be in or as nearly as may be in the form of No. 2 of Schedule (FF.) hereto annexed, and a copy thereof certified by such notary public in the form of No. 3 of Schedule (FF.) hereto annexed, shall be sufficient evidence of such demand, then and in that case it should be lawful to, and in the power of, the grantee, immediately after the expiration of the said three months, and without any other intimation or process at law, to sell and dispose, in whole or in lots, of the said lands and others, by public roup at Edinburgh or Glasgow, or at the head burgh of the county within which the said lands and others, or the chief part thereof, are situated, or at the burgh or town sending or contributing to send a member to parliament which, whether within or without the county, shall be nearest to such lands or the chief part thereof, on previous advertisement, stating the time and place of sale, and published once weekly for at least six weeks subsequent to the expiry of the said three months, in any newspaper published in Edinburgh or in Glasgow, and also in every case in a newspaper published in the county in which such lands are situated, or if there be no newspaper published in such county, then in any newspaper published in the next or a neighbouring county, and a certificate by the publishers of such newspapers for the time shall be primâ facie evidence of such advertisement, the grantee being always bound, upon payment of the price, to hold count and reckoning with the grantor for the same, after deduction of the principal sum secured, interest due thereon, and liquidated penalties corresponding to both which

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may be incurred, and all expenses attending the sale; and for that end to enter into articles of roup, to grant dispositions containing all usual and necessary clauses, and in particular a clause binding the grantor of the said bond and disposition in security, in absolute warrandice of such dispositions, and obliging him to corroborate and confirm the same, and to grant all other deeds and securities requisite and necessary by the laws of Scotland for rendering such sale or sales effectual, in the same manner and as amply in every respect as the grantor could do himself; and as if it had been thereby further provided and declared that the said proceedings should all be valid and effectual, whether the debtor in the said bond and disposition in security for the time should be of full age, or in pupillarity or minority, or although he should be subject to any legal incapacity, and that such sale or sales should be equally good to the purchaser or purchasers as if the grantor himself had made them, and also that in carrying such sale or sales into execution it should be lawful to the grantee to prorogate and adjourn the day of sale from time to time as he should think proper, previous advertisement of such adjourned day of sale being given in the newspapers above mentioned once weekly for at least three weeks; and as if the grantor had bound and obliged himself to ratify, approve of, and confirm any sale or sales that should be made in consequence thereof, and to grant absolute and irredeemable dispositions of the lands and others so to be sold to the purchaser, and to execute and deliver all other deeds and writings necessary for rendering their rights complete.

Unregistered security or assignation to be available to executors, &c. of grantee.

7. Section one hundred and thirty of the recited Act is hereby repealed, and in place thereof it is enacted as follows:

In the event of an heritable security from which executors shall not have been excluded, dated before or after the commencement of this Act, not being constituted by infeftment during the lifetime of the grantee, or of any assignation, dated before or after the commencement of this Act, of a security from which executors shall not have been excluded, but which has been constituted by infeftment, not being completed by infeftment during the lifetime of the assignee, and where such grantee or assignee shall be in life at, or at any time subsequent to, the commencement of this Act, such security or assignation shall form a warrant for an instrument in the form, or as nearly as may be in the form, of Schedule (MM.) hereto annexed, under the hands of a notary public, being passed upon the same in favour of the executors of the creditor, duly confirmed, whether the same be executors nominate or executors dative, or in

favour of the disponees or assignees of such security, or of the moveable estate of such creditor under any deed or conveyance inter vivos or mortis causa, or in favour of any legatees of such security; and where such executors or disponees or assignees, being more than one, shall not be entitled to such security wholly for their own beneficial interest, it shall be competent to take such notarial instrument in favour of such executors or disponees or assignees, and the survivors, or survivor of them, unless such a destination be expressly excluded by the terms of the conveyance, or deed, or writing; and where executors shall be excluded from such security, or the creditor has died before the commencement of this Act, the security or assignation, as the case may be, shall form a warrant for a notarial instrument as aforesaid, in favour of any disponees or assignees or legatees of such security, or of the heritable estate of such creditor under any deed or conveyance by him inter vivos or mortis causa, or under any testamentary deed or writing by him within the meaning of the twentieth section of this Act, or in favour of the heirs of such creditor having right to the security by decree of general or special service as heir to such creditor; and on such instrument being recorded in the appropriate register of sasines, the executors or disponees, or assignees or legatees or heirs, as the case may be, in whose favour such instrument is expede, shall be vested with the full right of the creditor in such security, and shall be held to be entered with the superior in like manner and to the same effect as the original creditor himself.

8. The amended sections herein-before enacted shall be held to form part of the recited Act, and may hereafter be printed as forming portions thereof, in place of the several sections hereby repealed.

Titles to Land Consolidation (Scotland) Act, 1868, Amendment.

A

B I L L

To amend "The Titles to Land Consolidation (Scotland) Act, 1868."

(Prepared and brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Solicitor-General for Scotland.)

Ordered by The House of Commons, *to be Printed*, 3 *June* 1869.

[Bill 144.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend "The Titles to Land Consolidation (Scotland) Act, 1868." A.D. 1869.

WHEREAS it is expedient to amend "The Titles to Land Consolidation (Scotland) Act, 1868:" Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

1. This Act may be cited for all purposes as "The Titles to Land Consolidation (Scotland) Amendment Act, 1869."

Assignations to unrecorded conveyances.

2. Section twenty-two of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the twenty-second section of the recited Act, and the recited Act shall be read and construed as if the twenty-second section thereof had been originally expressed in the following words; viz.:—

It shall be competent to any person having right to an unrecorded deed or conveyance, whether granted in favor of himself or originally granted in favor of another person, to assign the deed or conveyance in or as nearly as may be in the Form No. 1 of Schedule (M.) to this Act annexed, setting forth the deed or conveyance, and the title or series of titles, if any, by which he acquired right to the same, and the nature of the right assigned; and the assignation, or, in the event of there being more than one, the successive assignations, may be recorded in the appropriate register of sasines along with the deed or conveyance itself, and a warrant of registration thereon, in or as nearly as may be in the Form No. 2 of Schedule (H.) hereto annexed; and it shall be competent to write the assignation or assignations on the deed or conveyance itself, in or as nearly as may be in the Form No. 2

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of Schedule (M.) hereto annexed, setting forth the deed or conveyance and the title or series of titles, if any, by which such person acquired right to the same, and the nature of the right assigned; in which case the assignation or assignations, and the deed or conveyance may be so recorded along with the warrant of registration thereon, which warrant shall be in, or as nearly as may be in the Form No. 1 of Schedule (H.) hereto annexed; and the deed or conveyance, with the warrant of registration, and the assignation or assignations, separate from the deed or conveyance, and those written upon the deed or conveyance, if any, and all similar assignations granted before the commencement of this Act being so recorded shall operate in favour of the assignee on whose behalf they are presented for registration as fully and effectually as if the lands contained in the assignation, or, if there be more than one in the last assignation, had been disponed by the original deed or conveyance in favor of such assignee, and the deed or conveyance with the warrant of registration had been recorded, in the manner herein-before provided, of the date of recording such deed, or conveyance and assignation, or assignations; and all deeds or conveyances with a warrant of registration and assignation, or assignations, written thereon, or with an assignation, or assignations, separate therefrom, that may have been so recorded before the commencement of this Act, shall operate in favour of the assignees on whose behalf the same shall have been so recorded, as effectually as is herein-before provided in regard to a recorded deed, or conveyance, with a warrant of registration and assignation or assignations written thereon, notwithstanding that such assignation or assignations may not have been docqueted with reference to such warrant, or referred to therein as being so docqueted.

Mode of completing title by a judicial factor on a trust estate, &c.

3. Section twenty-four of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the twenty-fourth section of the recited Act, and the recited Act shall be read and construed as if the twenty-fourth section thereof had been originally expressed in the following words, viz. : –

Where in a petition to the Court of Session for the appointment of a judicial factor authority has been or shall be asked for the completion of a title by such factor to any lands forming the whole or part of the estate to be managed by such judicial factor, or where a judicial factor has applied or shall apply, by petition or note to the said Court, for authority to complete a title to such lands, either in his

own person as judicial factor, or in the person of any pupil, minor, or lunatic to whom he may have been appointed judicial factor, and where any petition or note has specified and described or shall specify and describe the lands to which such title is to be completed, or has referred or shall refer to the description of the same, in the form, or as nearly as may be in the form, of Schedule (E.) hereto annexed, or of Schedule (G.) hereto annexed, as the case may be, the warrant granted for completing such title shall also so specify and describe the lands to which such title is to be completed, or shall so refer to the description thereof; and such warrant shall be held to be a conveyance in due and common form of the lands therein specified in favor of such judicial factor granted by the person, whether in life or deceased, whose estate is under judicial management, or where the estate is that of a pupil, minor, or lunatic, in whose person a title has not been made up, such warrant shall be held to be such a conveyance in favor of the pupil, minor, or lunatic, or of the judicial factor appointed to such pupil, minor, or lunatic, as the case may be, granted by a predecessor, or author having such title, or where such judicial factor has been or shall be appointed on an estate which shall have been vested in a trustee or former judicial factor, such warrant shall be held to be such a conveyance granted by such trustee or former factor, whether in life or deceased, for the purposes of such estate or trust, or factory to be holden in the case of lands not held by burgage tenure in the manner and to the effect, and subject to the provisions enacted and provided in the sixth section of this Act in the case of conveyances in which no manner of holding is expressed, and in the case of lands held by burgage tenure to be holden of Her Majesty in free burgage; and such warrant may, with warrant of registration thereon, be recorded in the appropriate register of sasines as a conveyance in favor of such judicial factor, or pupil, minor, or lunatic, or of the factor on his estate, and being so recorded shall have the same force and effect as if at the date of such recording such conveyance had been granted to the judicial factor, or pupil, minor, or lunatic, or the judicial factor appointed to such pupil, minor, or lunatic, as the case may be, and recorded in the appropriate register of sasines: Provided always, that for enabling the person in whom such lands were last vested, or his representatives, or other parties interested, to bring forward competent objections against such warrant being granted, or claims upon the estate, the Court shall order such intimation and service of the petition or note as to them shall

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seem proper: Declaring always, that the whole enactments and provisions herein contained shall extend and apply to all petitions to and warrants by the Court of Session under "The Trusts (Scotland) Act, 1867," unless in so far as such provisions and enactments may be inapplicable to the form or objects of such petitions or warrants.

Subject superior may be compelled to grant entries by confirmation.

4. Section ninety-seven of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed to be taken to be the ninety-seventh section of the recited Act and the recited Act shall be read and construed as if the ninety-seventh section thereof had been originally expressed in the following words, viz.:

Where any person is or shall be infeft in lands holden of a subject superior upon a conveyance or deed of or relating to such lands granted by or derived from the person last entered with the superior and infeft, or granted by or derived from a person whose own title to such lands is capable of being made public by confirmation according to the existing law and practice, which conveyance or deed shall contain an obligation to infeft a me, or a me vel de me, or shall contain a clause expressing the manner of holding to be a me, or a me vel de me, or shall imply that the manner of holding is a me, or a me vel de me, or upon any conveyance or deed which under this Act or any of the repealed Acts shall be equivalent to or have the effect of such a conveyance, it shall be lawful and competent for such person, upon production to the lord ordinary on the bills in the Court of Session of his infeftment, whether the same shall consist of such conveyance or deed itself with a warrant of registration thereon in his favor, recorded in the appropriate register of sasines, or of an instrument or instruments in his favor, applicable to such lands, following on such conveyance or deed, and recorded in the appropriate register of sasines and warrants of the same, and upon showing the terms and conditions under which the said lands are holden of the superior thereof, to obtain warrant for letters of horning to charge the superior to grant in favour of such person a writ or charter of confirmation in the same way and form as is provided and in use for compelling entry by resignation: Provided always, that the charger shall at the same time pay or tender to such superior such duties or casualties as he is by law entitled to receive upon the entry of the charger, and that it shall be lawful for every such superior to show cause why he ought not to be compelled to give

obedience to such charge by presenting a note of suspension to the Court of Session in the usual manner. A.D. 1869.

Bonds and dispositions in security may be granted in the Form No. 1 of Schedule (F.F.)

5. Section one hundred and eighteen of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the one hundred and eighteenth section of the recited Act, and the recited Act shall be read and construed as if the one hundred and eighteenth section thereof had been originally expressed in the following words, viz.:

From and after the commencement of this Act it shall be lawful and competent for any person entitled to grant an heritable security by way of bond and disposition in security to grant the same in the Form, or as nearly as may be in the Form No. 1 of Schedule (FF.) hereto annexed; and the registration in the appropriate register of sasines of such bond and disposition in security, or of any bond and disposition in security, granted according to any of the forms competent, or in use prior to the commencement of this Act, shall be as effectual and operative to all intents and purposes as if such bond and disposition in security had contained, in the case of lands not held by burgage tenure an obligation to infeft a me vel de me, procuratory of resignation and precept of sasine, and in the case of lands held by burgage tenure an obligation to infeft more burgi and a procuratory of resignation, all in the words and form in use prior to the thirtieth day of September one thousand eight hundred and forty-seven, and as if sasine or resignation and sasine, as the case may be, had been duly made, accepted, and given thereon in favor of the original creditor, and an instrument of sasine, or of resignation and sasine, as the case may be, in favor of such creditor had been duly recorded in the appropriate register of sasines of the date of the registration of the said bond and disposition in security as aforesaid.

Explanation of clauses in Schedule (FF.) No. 1.

6. Section one hundred and nineteen of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the one hundred and nineteenth section of the recited Act, and the recited Act shall be read and construed as if the one hundred and nineteenth section thereof had been originally expressed in the following words; viz.

The import of the clauses of the Form of No. 1 of the said Schedule (F F.) occurring in any bond and disposition in security, whether granted before or after the commencement of this Act, shall be

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as follows, videlicet, the clause obliging the grantor to pay the amount due under the bond, principal, interest, and penalty to the creditor, his heirs, executors, or assignees, shall, unless where executors are excluded, be held to import an obligation to pay the same to the creditor and his representatives in mobilibus and his assignees, and where there is or shall be such exclusion, to the creditor and his heirs and assignees, the clause disponing the lands to such creditor, and his foresaids heritably shall, unless where executors are excluded, be held to import a disposition of such lands to such creditor and his representatives in mobilibus and his assignees, and where there is or shall be such exclusion to such creditor and his heirs and assignees in security, in manner specified in the bond and disposition in security, with all the rights and powers at present competent to a creditor and his heirs under such a security, the clause of assignation of rents shall be held to import an assignation to the creditor and his representatives in mobilibus or his heirs, as the case may be, and to his assignees, to the rents to become due or payable from and after the date from which interest on the sum in the security commences to run, in the fuller form generally in use prior to the thirtieth day of September one thousand eight hundred and forty-seven, including therein a power to the creditor and his foresaids on default in payment to enter into possession of the lands disponed in security, and uplift the rents thereof, or to uplift the rents thereof if the lands are not disponed in security, and to insure all buildings against loss by fire, and to make all necessary repairs on the buildings, subject to accounting to the debtor for any balance of rents actually recovered beyond what is necessary for payment to such creditor and his foresaids of the sums, principal, interest, and penalty, due to him or them under such security, and of all expenses incurred by him or them in reference to such possession, including the expenses of management, insurance, and repairs; and the clause of assignation of writs shall be held to import an assignation to the creditor and his foresaids to writs and evidents to the same effect as in the fuller form generally in use in a bond and disposition in security, with power of sale, prior to the thirtieth day of September One thousand eight hundred and forty-seven; and the clause of warrandice shall be held to import absolute warrandice as regards the lands and the title-deeds thereof, and warrandice from fact and deed as regards the rents; and clause consenting to registration for preservation and execution shall have the meaning and effect assigned to such clause in the one hundred

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Clauses reserving right of redemption and of obligation to pay expense of assignation or discharge and power of sale valid, &c.

and thirty-eighth section of this Act; the clauses reserving right of redemption and obliging the grantor to pay the expenses of assigning or discharging the security, and, on default in payment, granting power of sale, shall have the same import, and shall be in all respects as valid, effectual, and operative as if it had been in such bond and disposition in security specially provided and declared that the lands and others thereby disponed should be redeemable by the grantor from the grantee, at the term and place of payment, or at any term of Whitsunday or Martinmas thereafter, upon premonition of three months, to be made by the grantor to the grantee personally, or at his dwelling place, if within Scotland, and if furth thereof at the time, then at the office of the Keeper of the Record of Edictal Citations within the General Register House, Edinburgh, in presence of a notary public and witnesses; and that by payment to him of the whole principal sum payable under the bond and disposition in security, interest due thereon, and liquidated expenses, and termly failures corresponding thereto, if incurred; and in case of his absence or refusal to receive the same, by consignation thereof in the bank specified in the security, if any bank shall be so specified, and if not, then in one or other of the banks in Scotland incorporated by Act of Parliament or Royal Charter, having an office or branch at the place of payment; to be made furthcoming on the peril of the consigner; the place of redemption to be within the office of such bank or branch thereof; and as if it had been thereby further provided and declared that any discharge and renunciation, disposition and assignation, or other deed necessary to be granted by the grantee upon the grantor making payment and redeeming as aforesaid, and also the recording thereof should always be at the expense of the grantor; and as if it had been thereby further provided and declared, that if the grantor should fail to make payment of the sums that should be due by the personal obligation contained in the said bond and deposition in security, within three months after a demand of payment intimated to the grantor, whether of full age or in pupillarity or minority, or although subject to any legal incapacity, personally or at his dwelling place if within Scotland, or if furth thereof at the office of the keeper of the Record of Edictal Citations above mentioned, in presence of a notary public and witnesses, and which demand for payment may be in or as nearly as may be in the form of No. 2 of Schedule (FF.) hereto annexed, and a copy thereof certified by such notary public in the form of No. 3 of

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Schedule (FF.) hereto annexed, shall be sufficient evidence of such demand, then and in that case it should be lawful to, and in the power of, the grantee, immediately after the expiration of the said three months, and without any other intimation or process at law, to sell and dispose, in whole or in lots, of the said lands and others, by public roup at Edinburgh or Glasgow, or at the head burgh of the county within which the said lands and others, or the chief part thereof, are situated, or at the burgh or town sending or contributing to send a member to parliament, or at the burgh or town which may have previously adopted "The General Police and Improvement (Scotland) Act, 1862," or part thereof, which, whether within or without the county, shall be nearest to such lands or the chief part thereof, on previous advertisement, stating the time and place of sale, and published once weekly for at least six weeks subsequent to the expiry of the said three months, in any newspaper published in Edinburgh or in Glasgow, and also in every case in a newspaper published in the county in which such lands are situated, or if there be no newspaper published in such county, then in any newspaper published in the next or a neighbouring county, and a certificate by the publishers of such newspapers for the time shall be primâ facie evidence of such advertisement, the grantee being always bound, upon payment of the price, to hold count and reckoning with the grantor for the same, after deduction of the principal sum secured, interest due thereon, and liquidated penalties corresponding to both which may be incurred, and all expenses attending the sale; and for that end to enter into articles of roup, to grant dispositions containing all usual and necessary clauses, and in particular a clause binding the grantor of the said bond and disposition in security, in absolute warrandice of such dispositions, and obliging him to corroborate and confirm the same, and to grant all other deeds and securities requisite and necessary by the laws of Scotland for rendering such sale or sales effectual, in the same manner and as amply in every respect as the grantor could do himself; and as if it had been thereby further provided and declared that the said proceedings should all be valid and effectual, whether the debtor in the said bond and disposition in security for the time should be of full age, or in pupillarity or minority, or although he should be subject to any legal incapacity, and that such sale or sales should be equally good to the purchaser or purchasers as if the grantor himself had made them, and also that in carrying such sale or sales into execution it should be lawful to the grantee to prorogate

and adjourn the day of sale from time to time as he should think proper, previous advertisement of such adjourned day of sale being given in the newspapers above mentioned once weekly for at least three weeks; and as if the grantor had bound and obliged himself to ratify, approve of, and confirm any sale or sales that should be made in consequence thereof, and to grant absolute and irredeemable dispositions of the lands and others so to be sold to the purchaser, and to execute and deliver all other deeds and writings necessary for rendering their rights complete.

Unregistered security or assignation to be available to executors, &c. of grantee.

7. Section one hundred and thirty of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the one hundred and thirtieth section of the recited Act, and the recited Act shall be read and construed as if the one hundred and thirtieth section thereof had been originally expressed in the following words; viz.

In the event of an heritable security from which executors shall not have been excluded, dated before or after the commencement of this Act, not being constituted by infeftment during the lifetime of the grantee, or of any assignation, dated before or after the commencement of this Act, of a security from which executors shall not have been excluded, but which has been constituted by infeftment, not being completed by infeftment during the lifetime of the assignee, and where such grantee or assignee shall be in life at, or at any time subsequent to, the commencement of this Act, such security or assignation shall form a warrant for an instrument in the form, or as nearly as may be in the form, of Schedule (MM.) hereto annexed, under the hands of a notary public, being passed upon the same in favour of the executors of the creditor, duly confirmed, whether the same be executors nominate or executors dative, or in favour of the disponees or assignees of such security, or of the moveable estate of such creditor under any deed or conveyance inter vivos or mortis causa, or in favour of any legatees of such security; and where such executors or disponees or assignees, being more than one, shall not be entitled to such security wholly for their own beneficial interest, it shall be competent to take such notarial instrument in favour of such executors or disponees or assignees, and the survivors, or survivor of them, unless such a destination be expressly excluded by the terms of the conveyance, or deed, or writing; and where executors shall be excluded from such security, or the creditor has died before the commencement of this Act, the security or assignation, as

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the case may be, shall form a warrant for a notarial instrument as aforesaid, in favour of any disponees or assignees or legatees of such security, or of the heritable estate of such creditor under any deed or conveyance by him inter vivos or mortis causa, or under any testamentary deed or writing by him within the meaning of the twentieth section of this Act, or in favour of the heirs of such creditor having right to the security by decree of general or special service as heir to such creditor; and on such instrument being recorded in the appropriate register of sasines, the executors or disponees, or assignees or legatees or heirs, as the case may be, in whose favour such instrument is expede, shall be vested with the full right of the creditor in such security, and shall be held to be entered with the superior in like manner and to the same effect as the original creditor himself.

8. The amended sections herein-before enacted shall be held to form part of the recited Act, and may hereafter be printed as forming portions thereof, in place of the several sections hereby repealed.

Titles to Land Consolidation (Scotland) Act, 1868, Amendment.

A

B I L L

[as amended in committee]

To amend "The Titles to Land Consolidation (Scotland) Act, 1868."

(*Prepared and brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Solicitor-General for Scotland.*)

Ordered, by The House of Commons, *to be Printed* 28 *June* 1869.

[Bill 183.] *Under* 2 *oz.*

Trade Marks Registration Bill.

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SCHEDULES.

A

B I L L

TO

Provide for the voluntary Registration of Trade Marks. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Trade Marks (Registry) Act, 1869. Short title.

2. This Act shall not come into operation until the first of *October one thousand eight hundred and sixty-nine.* Commencement of Act.

3. In this Act— Definitions.

The term "person" means any person, body of persons, or body corporate:

The term "prescribed" means prescribed by the regulations of the Board of Trade, made as in this Act mentioned:

The term "lawful trade mark" means a trade mark which by law is recognized as a trade mark, and entitled to be protected as such by injunction against infringement.

Registry of Trade Mark.—General.

4. Any person who is entitled to the exclusive use of any lawful trade mark, and any person who intends to adopt and use any trade mark which can be adopted for exclusive use by him as a lawful trade mark, may, whether he is a British subject or not, and whether he is resident or carrying on business or using such trade mark in the United Kingdom or elsewhere, register such trade mark under the provisions of this Act. Who may register.

5. A person who desires to register his trade mark shall apply for the registry as follows: Application for registry.

He shall send to the registrar of trade marks (appointed as in this Act mentioned) a statement in writing containing the following particulars:

(*a.*) His name in full:

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(*b.*) The name of the firm under which and the place at which he carries on business:

(*c.*) The class of merchandise and the particular description of goods comprised in such class to which the trade mark has been or is intended to be appropriated:

(*d.*) A description of the mode in which the trade mark has been or is intended to be applied and used:

(*e.*) The length of time, if any, during which he has used the trade mark.

With such statement he shall send facsimiles of the trade mark proposed to be registered, and a declaration declaring to the best of his knowledge and belief that the statement is true, and that the facsimiles are true facsimiles, and that he is entitled to use the trade mark, and that no other person is using or entitled to use for the same class of merchandise a trade mark which is identical with the one proposed to be registered, or so nearly resembles the same as to be calculated to deceive.

The facsimiles may be such duplicates or copies of the trade mark, or such models, drawings, or representations thereof, as may be prescribed.

Registry of trade mark.

6. On the receipt of such statement, facsimiles, and declaration, the registrar of trade marks shall retain the same, and after a proper examination by him of the register, and a due compliance by the applicant with the prescribed regulations, shall (except as otherwise provided by this Act) register the trade mark in the class to which it is appropriated, and register the applicant as entitled to the use of the trade mark for the description of goods to which it is appropriated, and the person so registered is in this Act referred to as the registered owner.

When the trade mark is registered, the time at which it was received for registry shall be entered in the register, and shall be deemed to be the date of the registry.

Effect of registry.

7. The registry of any lawful trade mark registered in pursuance of this Act, so long as it remains in force, shall have the following effect; namely, the registered owner thereof shall be deemed, until the contrary is proved, to be entitled to the exclusive use of such trade mark, so far as regards the description of goods to which it is appropriated in the register, and the trade mark shall be deemed to have been used and to have been known in the market to have been used by the registered owner at the date of the registry.

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Duration of registry.

8. The registry of a trade mark shall cease to be in force—

(1.) if it is cancelled by an order of any competent court directing the rectification of the register; or

(2.) if the registered owner fails to pay the annual fee required under this Act.

Failure to pay annual fee.

9. If the owner of any registered trade mark fails to pay the annual fee required under this Act at the time fixed for the payment thereof the following provisions shall have effect:

(1.) The registrar of trade marks shall omit the trade mark from the register:

(2.) If within *three months* after such time for payment the owner pays the annual fee to the registrar, together with the prescribed additional fee, the registrar shall restore such trade mark to the register:

(3.) After the lapse of *three months* and not more than *twelve months* from such time for payment, the Board of Trade, on being satisfied by the owner that the nonpayment of the fee arose accidentally, or from circumstances beyond the control of the owner, or that otherwise it is just to make the order, may, if they think fit, upon payment by the owner of the annual fee, and the prescribed additional fee, make an order restoring such trade mark to the register:

(4.) On the restoration of a trade mark to the register, the registry of such trade mark shall be deemed to have continued in force in the same manner as if the annual fee had been paid at the proper time for payment:

(5.) At the expiration of *twelve months* from such time for payment, if the trade mark is not meanwhile restored to the register, the registered owner of such trade mark shall be deemed to have abandoned and to have lost his right to the exclusive use of such trade mark for the description of goods to which it is appropriated in the register, but no trade mark identical with such trade mark, or so nearly resembling the same as to be calculated to deceive, shall be registered in the same class until the expiration of *three years* from the time of the omission thereof from the register, unless on the application of the previously registered owner, or the person in whom his right is vested.

Certificate of registry.

10. The registrar of trade marks, on the original registry of a trade mark, and at any time while the registry of such trade mark

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remains in force, on the application of the registered owner, shall give to such owner a certificate under the seal of his office, identifying such trade mark in the prescribed manner, and certifying that the trade mark so identified is at the date of the certificate duly registered. The certificate shall state the date of the original registry, and the registered name and place of business of the registered owner, the class of merchandise and description of goods to which the trade mark is appropriated in the register, and such other matters as may be prescribed.

A certificate of registry, purporting to be signed by the registrar, and sealed with the seal of his office, shall be evidence of the matters therein stated.

Registrar not to register certain trade marks.

11. The registrar of trade marks shall not register any trade mark which in the opinion of the Board of Trade either—

(*a*) is not and cannot become a lawful trade mark; or

(*b*) is a name of a person, firm, or company only unaccompanied by a mark sufficient to distinguish it from the same name when used by other persons; or

(*c*) is identical with a trade mark appropriated to the same class of merchandise, and belonging to a different owner, and already registered or received by the registrar for registry; or

(*d*) so nearly resembles such last-mentioned trade mark as to be likely to deceive the public:

Provided that this section shall not prevent the registry of any lawful trade mark rightfully used at the time of the passing of this Act.

One trade mark for each description of goods.

12. No person shall be entitled to have registered more than one trade mark appropriated to the same description of goods, unless by permission of the Board of Trade, on good reason being shown:

Provided that this section shall not prevent the registry

(*a*) of two or more lawful trade marks appropriated to the same description of goods, to the exclusive use of which trade marks the same person is entitled at the time of the passing of this Act; or

(*b*) of different forms of the same trade mark.

Subject to the provisions in this section, a trade mark registered as appropriated to one description of goods in any class may be used by the registered owner for any other description of goods in the same class, on notice thereof being given to the registrar of trade marks, for entry in the register.

13. No notice of any trust, express, implied, or constructive, shall be entered in the register, or receivable by the registrar. No notice taken of trust.

Transfers and transmissions.

14. If the right to use any registered trade mark, either alone or jointly with others, becomes vested in any person not registered as owner, whether through being transmitted by operation of law or any testamentary instrument, or through being transferred by the act either of the registered owner or of some person in whom it is so vested by transmission, such person, on application to the registrar of trade marks, in the prescribed manner, may be registered as owner. Transfer and transmission of trade mark.

15. Where there is a transfer there shall be sent to the registrar of trade marks, with the application, a deed in the form marked A. in the first schedule to this Act, or as near thereto as circumstances permit, executed by the transferor in the prescribed manner, which deed shall be effectual to pass all the interest in the trade mark which the transferor can by law pass to the transferee; and the transferor may make such transfer to himself jointly with another person. Evidence of transfer.

16. Where the right has been transmitted, there shall be sent to the registrar with the application, for the purpose of authenticating such transmission, a declaration of the person to whom such right has been transmitted, made in the form marked C. in the first schedule to this Act, or as near thereto as circumstances permit, and containing a description of the manner in which and the party to whom such right has been transmitted. Declaration on transmission.

17. The declaration shall be accompanied by the following evidence; that is to say, Evidence on transmission.

(1.) If the transmission has taken place by virtue of the bankruptcy or insolvency of any registered owner, then the declaration shall be accompanied by such evidence as may for the time being be receivable in courts of justice as proof of the title of parties claiming under such bankruptcy or insolvency:

(2.) If such transmission has taken place by virtue of the marriage of a female owner, then the declaration shall be accompanied by a copy of the register of such marriage, or other legal evidence of the celebration thereof, and shall declare the identity of the female owner:

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(3.) If such transmission has taken place by virtue of any testamentary instrument or by intestacy, then

(*a*) In the case of a person carrying on business in England or Ireland, the declaration shall be accompanied by the probate of the will or the letters of administration, or an official extract therefrom; and

(*b*) In the case of a person carrying on business in Scotland, or in any country forming part of Her Majesty's dominions out of the United Kingdom, by the will or any copy or other document that may by the law of Scotland or of such country be evidence of the will, or by letters of administration, or any copy or other document that may by the law of Scotland or of such country be receivable in the courts of justice thereof as proof of the person entitled upon an intestacy:

(4.) In the case of a person carrying on business in a country which is not within the dominions of Her Majesty, the declaration shall be accompanied by such evidence as the consul of such country in London may certify to correspond, as far as possible, with the evidence above required in the case of persons carrying on business in the United Kingdom, and to be receivable in the courts of justice of such country as proof of the title of the applicant for registry.

Partition between joint owners, and transfer to two persons.

18. If the right separately to use the same registered trade mark becomes by law vested in any two or more persons, either

(*a*) through a partition effected by arrangement or operation of law between the joint registered owners thereof, or

(*b*) through a transfer or devise lawfully made by the registered owner or any person in whom the right of the owner is vested by transmission,

each of such persons, on application to the registrar of trade marks, may be registered as owner.

If there is a partition, the application shall be accompanied by a request in the form marked B. in the first schedule to this Act, or as near thereto as circumstances permit.

If there is a transfer or devise, the application shall be accompanied by such documents and evidence (if any) as would be required if it were an ordinary transfer or transmission.

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Registry of transfer or transmission.

19. The registrar, in the case of any transfer, transmission, or partition, upon the receipt of the application, and such deed, request, declaration, and evidence as the case may require, and on the applicant complying with the prescribed regulations, shall register the name of the applicant (if he appears from the said documents to be entitled to registry) as entitled to the use of the trade mark with respect to which the transfer, transmission, or partition has taken place, and shall register the firm under which and the place at which he carries on business.

If the case is one in which two or more persons have become entitled separately to the use of the same trade mark, the registry shall be effected in the same manner as if there were two or more separate trade marks of which each of such persons was respectively the registered owner, and the date of the original registry of the said trade mark shall be deemed to be the date of the original registry of each of such two or more separate trade marks.

Change of place of business, and of name in trade mark, on transfer, &c.

20. The registrar shall not register a person applying to be registered as owner of a trade mark in consequence of any transfer, transmission, or partition, if in the opinion of the Board of Trade such transfer, transmission, or partition, by reason of,

(*a*) its causing a change in the place where the registered owner carries on business, or

(*b*) of the trade mark consisting partly of a name indicating that the goods are manufactured by a particular person, or

(*c*) of any matter whatever

is a misrepresentation or likely to deceive the public, or would not be recognized by law.

Power of court to prohibit transfer.

21. It shall be lawful in England or Ireland for the Court of Chancery, and in Scotland for the Court of Session, without prejudice to the exercise of any other power such court may possess, upon the summary application of any interested person, made either by petition or otherwise, and either ex parte or upon service of notice on any other person, as the court may direct, to issue an order, prohibiting, for a time to be named in such order, any dealing with any registered trade mark, and it shall be in the discretion of such court to make or refuse any such order, and to annex thereto any terms or conditions it may think fit, and to discharge such order when granted, with or without costs, and generally to act in the premises in such manner as the justice of the case requires; and the registrar of trade marks, without being made a party to the proceedings, upon being served with such order or an official copy thereof, shall obey the same.

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Registry.—Supplemental.

Two separate owners of same trade mark.

22. Where two or more persons are at any time entitled by law separately to the use, exclusively of other persons, of the same or a similar trade mark appropriated to the same class of merchandise, each of such persons shall, for the purpose of registry under this Act, be deemed entitled to the exclusive use of such trade mark, and may have the same registered, notwithstanding such sameness or similarity.

Joint owners of trade mark.

23. Where two or more persons desire to be or are registered as jointly entitled to the exclusive use of the same trade mark, every such person, or the person to whom his rights have been transmitted, shall join in every application, statement, request, deed, and declaration required to be made for the purposes of this Act with respect to such trade mark.

Addition of letters and number to trade mark.

24. Every trade mark registered under the provisions of this Act shall (unless by permission of the Board of Trade on good reason being shown) have, as part thereof, or as near thereto as may be, the letters R[d]., and such letters, figures, and characters as may be affixed by the registrar to the facsimile for the purpose of denoting the class of merchandise and description of goods to which it is appropriated, and the number of the trade mark in the register.

The addition of such letters, figures, and characters to any trade mark used before the date of the registry shall not in any way affect the title of any person to the use of such trade mark.

Any person who uses the said letters, figures, or characters, or any letters, figures, or characters resembling the same, as part of or near to any trade mark which is not on the register, shall be liable, on summary conviction, to a penalty not exceeding *five pounds* for each offence.

Omission of words referring to patent.

25. Where a trade mark registered in pursuance of this Act contains any words referring to a patent, those words may, at the expiration of the patent, be omitted from the trade mark, without affecting the registry of such trade mark, upon the prescribed notice of such omission being given to the registrar of trade marks for entry in the register.

Change of place of business.

26. When there is any change in the place at a which registered owner carries on business, the owner shall notify such change to the registrar; and, unless such change is in the opinion of the Board of Trade one which is a misrepresentation or likely to deceive the public or would not be recognized by law, the registrar shall enter such change in the register accordingly, but otherwise shall omit the trade mark from the register.

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Appeal and Rectification of Register.

Reasons for refusal.

27. If the registrar refuse to register any trade mark, or any person as owner of any trade mark, or to make any entry in the register required under this Act, he shall forthwith send in writing to the applicant his reasons for such refusal.

Appeal from refusal because not a lawful trade mark.

28. (1.) Where such refusal is on the ground that the trade mark is not or cannot become a lawful trade mark, or is a name unaccompanied by a sufficient mark, or that a transfer, transmission, or partition, or a change of place of business, is a misrepresentation or likely to deceive the public, or would not be recognized by law, or on the ground of the protection of the public where no other individual is concerned, the applicant, if he feels aggrieved by such refusal, may appeal to the Court of Chancery in England.

(2.) The appeal shall be by a special case, stating the facts and the grounds for the decision, and shall be settled and signed by the registrar, on the application of the appellant, to be made in writing within the prescribed time, not being less than seven days after the receipt by him of the reasons for the refusal; and if the appellant is dissatisfied with a special case as settled by the registrar he may have the same settled by a judge of the said court at chambers.

(3.) The appellant shall be the plaintiff in such case, and the Attorney General on behalf of the public, and any other person who may be interested in the question, shall be the defendants.

(4.) Before the delivery of the case to the appellant, he shall pay to the registrar any expense incurred in settling the special case, and shall enter into a recognizance before a justice of the peace, with or without sureties, as may be prescribed, in such sum as the Board of Trade think fit, conditioned to pay all costs and expenses incurred by the registrar or by the Attorney General in or incident to such appeal.

(5.) The special case so settled shall be deemed for all purposes to be a special case within the meaning of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter thirty-five, "to diminish the delay and expense of "proceedings in the High Court of Chancery in England," and to have been signed by counsel for all parties, and shall be filed and proceeded with accordingly.

(6.) The registrar of trade marks, without being made a party to a special case, upon being served with the decree made on the hearing thereof, or an official copy thereof, shall obey the same.

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Remedy for improper entry or omission of entry in register.

29. Any person who feels aggrieved by the registry in, or the refusal or omission of registry in, or restoration to, the register of of any trade mark, or of any person as owner thereof, or by the entry in or the refusal or omission of entry in the register of any of the particulars required by this Act to be entered in the register, (except where an appeal from such refusal is allowed by this Act,) may, in England and Ireland, by motion in any of Her Majesty's superior courts of law or equity, or by application to a judge sitting in chambers, and in Scotland by summary petition to the Court of Session, or in such other manner as the said courts may direct, apply for an order that the register may be rectified.

The court may either refuse the application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, whether there has or has not been any default on the part of the registrar, make an order for the rectification of the register, and direct the costs of the application to be paid by such parties to it as it thinks just.

Protection of public.

30. If the court, upon any special case or any proceeding for the rectification of the registrar under this Act, thinks that the use of the trade mark by the applicant would be a misrepresentation, or likely to deceive the public, it may make or refuse an order accordingly, but this provision shall be in addition to any other jurisdiction or reason the court may have to make or refuse the order.

Proceedings for rectification.

31. The court in any proceedings for the rectification of the register may direct such persons to be made parties to the proceedings as it thinks fit, and may require the applicant, or any of the parties to the proceedings, to give security for the costs thereof, and may decide on any question relating to the right of any person who is a party to the proceedings to the use of the trade mark, and any question which it may be necessary or expedient to decide for the rectification of the register.

The court may direct an issue to be tried, in which trial any question of law may be raised; and if the issue is directed by a court of common law a writ of error or appeal in manner directed by the Common Law Procedure Act, 1854, shall lie.

The court may direct the notices, summonses, process, and other matters requiring to be served in any such proceedings of the court to be served on persons out of the jurisdiction of the court; and rules and orders respecting such service, and generally respecting the proceedings for the rectification of the register, may from time to time be made in the same manner, and by and with the advice and consent of the same persons, as rules and orders

may for the time being be respectively made respecting service out of the jurisdiction of other notices and matters in the said courts, and respecting similar proceedings in the said courts. A.D. 1869.

In what courts proceedings to be taken.

32. Proceedings for the rectification of the register shall be taken in England, Scotland, and Ireland respectively according as the registered owner of the trade mark in question is registered as carrying on business in England, Scotland, or Ireland, and if he is registered as carrying on business out of the United Kingdom, the proceedings shall be taken in England; but any of the said courts in one country may, if the convenience of parties or the justice of the case require, allow proceedings to be taken before it instead of before the courts of the other country, and shall have jurisdiction accordingly.

Rectification in other actions or suits.

33. If, in any proceedings whatever in any of the said courts in which proceedings can under this Act be taken for the rectification of the register, it appears to the court that the register requires to be rectified, the court may make an order for such rectification.

Service of order on registrar, and costs of registrar.

34. The registrar of trade marks, upon being served with an order made for the rectification of the register, or an official copy thereof, shall obey the same, without being made a party to the proceedings in which such order was made.

Any costs incurred by the Attorney General or the registrar of trade marks in any proceedings on a special case or any proceedings taken for the rectification of the register shall be paid by the person applying to the court, or such of the parties to the proceedings as the court directs.

Registry Office.

Constitution of registry office.

35. The registry of trade marks under this Act shall be conducted as follows; (that is to say,)

(1.) The Board of Trade may from time to time appoint such registrars, assistant registrars, clerks, and servants as they may think necessary for the registry of trade marks under this Act, and remove them at pleasure, and assign and regulate their duties: and such registrars, assistant registrars, clerks, and servants in the execution of their duties under this Act shall in all respects conform to the regulations and directions of the Board of Trade:

(2.) The Board of Trade may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registry of trade marks:

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(*3.*) *There shall be paid to any such registrar, assistant registrar, clerk, or servant, such salary as the Board of Trade may, with the sanction of the Commissioners of Her Majesty's Treasury, direct.*

Indemnity to registrar.

36. The registrar of trade marks shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of registrar under this Act, unless the same has happened through his neglect or wilful act.

Board of Trade to determine and provide forms.

37. The Board of Trade may from time to time make, alter, and revoke regulations for carrying into effect the provisions of this Act, and shall from time to time settle the forms required for the purpose of this Act, and may alter the forms contained in the first schedule to this Act, and shall provide such forms for distribution to the persons desiring to register, either free of charge or at such moderate prices as they may from time to time direct.

The regulations so made shall be laid before both houses of Parliament within six weeks after they are made, if Parliament be then sitting, or, if Parliament be not then sitting, within six weeks after the commencement of the next session of Parliament, and shall be duly observed by all persons.

Division of merchandise into classes.

38. The Board of Trade may from time to time by such regulations divide for the purposes of this Act the merchandise to which trade marks are appropriated into classes, and subdivide such classes according to the descriptions of goods comprised in each class, and alter such classes and subdivisions; and if such division is made, the provisions of this Act relating to classes of merchandise and descriptions of goods shall be construed to refer to the classes and subdivisions so made.

Power to registrar to dispense with declarations and other evidence.

39. Whenever in any case in which any person is required under this Act to make a declaration on behalf of himself or of any body corporate, or any evidence is required to be produced to the registrar of trade marks, it is shown to the satisfaction of the registrar that from any reasonable cause such person is unable to make the declaration, or that such evidence cannot be produced, it shall be lawful for the registrar, with the sanction of the Board of Trade, and upon the production of such other evidence and subject to such terms as they may think fit, to dispense with any such declaration or evidence.

Fees.

40. There shall be paid to the registrar of trade marks, for the various matters specified in the second schedule to this Act, fees of such amount as may be from time to time prescribed in respect of

trade marks for the various classes of merchandise, not exceeding the fees specified in the said schedule. A.D. 1869.

The owner of every registered trade mark for any class of merchandise shall, at the expiration of every year after the date of the registry of such trade mark, pay to the registrar such annual fee as may be from time to time prescribed for a trade mark in that class, not exceeding the amount specified in the second schedule to this Act.

All fees taken under this Act shall be deemed to be fees within the meaning of "The Public Offices Fees Act, 1866," *and may be received by stamps accordingly, and if received in money shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the account of the Consolidated Fund.* 29 & 30 Vict. c. 76.

41. Subject to the prescribed regulations, and on payment of the prescribed fees, every person may inspect the documents and facsimiles kept by the registrar of trade marks, and take copies or extracts thereof, and may require such copy of a facsimile, or a copy or extract of any other document, or any part of any other document to be certified by the registrar, and such certificate shall be evidence of the matters therein stated. Inspection of register.

Miscellaneous.

42. When it is necessary, in pursuance of this Act, that a declaration should be made by a body corporate, a like declaration to that which would be made if such body corporate were an individual shall be made with reference to such body corporate by the secretary or other duly appointed officer of such body corporate. Declaration of body corporate.

43. The declarations required by this Act shall be made and subscribed under the authority of the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter sixty-two, "to repeal an Act of the present session of "Parliament, intituled 'An Act for the more effectual abolition "'of oaths and affirmations taken and made in various depart-"'ments of the State, and to substitute declarations in lieu thereof, "'and for the more entire suppression of voluntary and extra-"'judicial oaths and affidavits,' and to make other provisions for "the abolition of unnecessary oaths," and may be made and subscribed before the registrar of trade marks, or any justice of the peace, or any notary public, or any officer authorized by the law of any part of the United Kingdom to administer an oath, or any officer in any country, whether forming part of Her Majesty's dominions or not, who has by the law in force in such country power to administer an oath. Declarations how made.

A.D. 1869.

Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorized to take such declaration, in testimony of such declaration having been made and subscribed before him, shall be admitted in evidence without proof of the genuineness of any such seal or signature, or of the official character of such person.

Provision for cases of infancy or other incapacity.

44. If any person entitled to any trade mark is by reason of infancy, lunacy, or other inability incapable of making any declaration or doing anything required or permitted by this Act to be made or done by such incapable person in respect of registry, then the guardian or committee, if any, of such incapable person, or if there be none, any person appointed by any court or judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall be as effectual as if done by the person for whom he is substituted.

Penalty on falsification of register.

45. Any person who falsifies or mutilates, or makes or causes to be made any false entry in, the register kept under the provisions of this Act, shall be guilty of a misdemeanor, punishable with imprisonment for any term not exceeding twelve months, with or without hard labour.

Penalty for obtaining registry, &c. by false representation.

46. Every person who obtains or attempts to obtain the registry of any trade mark or any entry respecting any trade mark in the register under this Act, by any false or fraudulent representations or declarations, whether verbally or in writing, or any other fraudutent means, or obtains or attempts to obtain the registry under this Act of any trade mark which contains any misrepresentation or erroneous statement, and every person who aids or abets in any such offence, shall be guilty of a misdemeanor, punishable with imprisonment for any term not exceeding twelve months, with or without hard labour.

Damages for fraudulent registry.

47. Any person who procures the registry of any trade mark, or of himself as owner thereof, or any entry respecting a trade mark in the register under this Act, whether by making any false or fraudulent misrepresentation or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay damages to any person who suffers injury in consequence of such registry or entry. Such damages may either be recovered in the same manner as damages for any other wrong, or may be awarded by the court on any proceedings taken for the rectification of the register.

A.D. 1869.

Penalty for falsely pretending to be registered under Act.

48. Every person who falsely adopts or uses any style, title, designation, description, or mark, importing that or falsely pretends that any particular trade mark is registered under this Act, or in accordance with law, or that he is entitled to a trade mark registered under this Act, or aids or abets in any such offence, shall be liable, on a summary conviction, to a penalty not exceeding twenty pounds, which may (if the court, justices, or magistrate think fit) be paid to the person who prosecutes for the offence.

No exemption from answering questions, and protection of persons making discovery from prosecution. See 24 & 25 Vict. c. 96. s. 85.

49. Nothing in this Act shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court, or upon the hearing of any matter in bankruptcy or insolvency; and a person shall not be liable to be convicted of any offence under this Act by any evidence whatever in respect of any act done by him, if he has at any time previously to his being charged with such offence first disclosed such act on oath, in consequence of any compulsory process or upon any compulsory examination in any court of law or equity, bankruptcy or insolvency, in any action, suit, or proceeding which may have been bonâ fide instituted by any party aggrieved.

Saving of remedy in law and equity. See 24 & 25 Vict. c. 96. s. 86.

50. Nothing in this Act, nor any proceeding, conviction, or judgment to be had or taken therein against any person for any offence under this Act, shall prevent, lessen or impeach any remedy at law or in equity which any party aggrieved by any such offence might have had if this Act had not passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him.

Notices may be served by post.

51. Applications, facsimiles, notices, and all documents required by this Act to be served or sent, may be in writing or print, or partly in writing and partly in print, and may be delivered personally, or served and sent by post, and shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was prepaid, and properly addressed, and put into the post.

Act not to affect the corporation of cutlers of Hallamshire, nor to repeal 59 G. 3. c. 7.

52. Nothing in this Act shall affect the rights and privileges of the corporation of cutlers of the liberty of Hallamshire in the county of York, or repeal any of the provisions contained in the Act of the fifty-ninth year of King George the Third, chapter seven, "to regulate the cutlery trade in England."

SCHEDULES.

FIRST SCHEDULE.

FORM A.

FORM OF DEED FOR TRANSFER OF TRADE MARK.

Trade mark, class , subdivision , No.
Name
Firm
Place of business
[*Add a description of the trade mark, or a facsimile, or such other means of identification as may be prescribed.*]

* *Alter as necessary, if there be more than one owner.*

I* *A.B.* of in the county [*or* country] of being owner of [*or* entitled by transmission from *C.D.*, late owner to] the trade mark above particularly described, in consideration of pounds paid to me by *E.F.*, carrying on business at in the county [*or* country] of under the firm of *F. & Co.*, hereby transfer to the said *E.F.* the said trrde mark and the right of using the same, exclusively of myself and all other persons.

Further, I *A.B.*, for myself and my heirs, covenant with the said *C.D.* and his assigns that I have power to transfer in manner aforesaid the said trade mark.

In witness whereof I have hereunto subscribed my name and affixed my seal, this day of 18 .

(Signed)

Executed by the above-named
in the presence of
[*insert description and place of residence.*]

A.D. 1869.

FORM B.

FORM OF DECLARATION AND REQUEST FOR PARTITION.

Trade mark, class , subdivision , No. .

Names { }

Firm

Place of business

[*Add a description of the trade mark, or a facsimile, or such other means of identification as may be prescribed.*]

We, the above-named* *A.B.*, *C,D.*, and *E.F.*, hereby declare, that *A.B.* and *C.D.* on the one part and *E.F.* on the other are by law entitled to use the above-named trade mark separately, and request the registrar of trade marks to register the trade mark above described accordingly in the names of *A.B.* and *C.D.*, carrying on business at in the county [*or* country] of under the firm of , and also as a separate registry in the name of *E.F.*, carrying on business at in the county [*or* country] of under the firm of

* *Alter according to number of parties.*

Signed

Date

Executed by the above-named in the presence of

FORM C.

DECLATION BY OWNER TAKING BY TRANSMISSION.

Trade mark, class , subdivision , number .

Name of owner

Firm

Place of business

[*Add a description of the trade mark or a facsimile, or such other means of identification as may be prescribed.*]

I, † the undersigned *A.B.* of in the county [*or* country] of , carrying on business at in the county [*or* country] of , declare as follows:

I declare that the person appearing by the register to be the owner of the trade mark above described ‡ [died at in the county of , having first

† *Alter accordingly, if more than one person makes the declaration.*

‡ *Alter according to circumstances.*

A.D. 1869.

made his will, dated the day of , whereby he appointed me executor; and I proved his said will on the day of in the Court of], *or* [died at in the county of on the day of , intestate, and letters of administration of his estate and effects were on the day of duly granted to me by the Court of]:

Or,

We declare, that *C.D.*, the person appearing on the register book to be the owner of the trade mark above described, was, on the day of * [duly adjudged a bankrupt], and that we were on the day of [appointed * assignees] of the said *C.D.*, and we are by law entitled to be registered as owner of the said trade mark in place of the said *C.D.*:

* *Alter according to circumstances.*

Or,

I declare, that on the day of I intermarried with and am now the husband of *C.D.*, the person appearing on the register to be the owner of the trade mark above described; and * I declare that on such marriage the interest of the said *C.D.* becomes by law vested in me, and that I am entitled to be registered as owner of the said trade mark in place of the said *C.D.*, and I declare that *C.D.* is the person referred to in the annexed certificate.

* *Alter according to circumstances.*

And I make this solemn declaration believing the same to be true.

(Signed)

Dated at the day of 18 .

Made and subscribed by the above-named *A.B.* in the presence of me,

(Signed)

Name of registrar [*or* justice of the peace acting in and for , *or*, &c.]

SECOND SCHEDULE.

Maximum fees.

	£	*s.*	*d.*
Original registry	*5*	*0*	*0*
Transfer, or transmission, or partition between joint owners	*1*	*0*	*0*
Alteration of register, pursuant to order of court	*0*	*5*	*0*
Annual fee	*1*	*0*	*0*
„ additional for use for one other description of goods	*0*	*10*	*0*
Restoration within three months	*1*	*0*	*0*
Restoration after three months	*2*	*0*	*0*
Notice of use for one other description of goods	*0*	*5*	*0*
Notice of change of place of business	*0*	*5*	*0*
Notice of omission of "patent"	*0*	*5*	*0*
Other notices	*0*	*5*	*0*
Certificate	*0*	*5*	*0*
Taking copy of trade mark or documents	*0*	*2*	*0*
Inspection of register	*0*	*1*	*0*

Trade Marks Registration.

A

B I L L

To provide for the voluntary Registration of Trade Marks.

Prepared and brought in by
Mr. Shaw Lefevre and Mr. John Bright.)

Ordered, by The House of Commons, *to be Printed*,
13 *May* 1869.

Bill 126.]

Under 3 *oz.*

A

B I L L

TO

Amend the Law relating to Trade Combinations and Trade Unions. A.D. 1869.

WHEREAS it is expedient to amend and to declare the law relating to combinations and associations of workmen and employers: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: Preamble.

1. From and after the passing of this Act the following Acts shall be repealed,—the Act sixth George the Fourth, chapter one hundred and twenty-nine, and the Act twenty-two Victoria, chapter thirty-four. Repeal of Acts.

2. It shall be lawful for any number of persons engaged in any work or employment whatsoever, whether workmen or employers, to make any agreement with respect to the wages to be paid or the hours to be worked therein, and with respect to the persons by whom or the mode in which any work is to be or is not to be done, and with respect to any terms or conditions whatsoever under which any work or employment shall or shall not be done or carried on. Agreements as to conditions of labour lawful.

3. No combination made by any number of persons engaged in any work or employment, whether workmen or employers, with the intent merely of giving effect to any such agreement as in the foregoing section is mentioned, or of obtaining the conditions stated in any such agreement, shall subject any person who shall have been a party thereto to criminal prosecution. Combinations of employers and of workmen lawful.

4. Provided always, and be it enacted, that, save and except so far as a combination is hereby exempted from liability to criminal prosecution, nothing in this Act contained shall be construed to affect the liability of every person to prosecution and punishment for and in respect of any offence under any statute or rule of law for the time being in force; and provided also, that nothing herein contained shall affect the liability of any person to be sued at law Reservation of liability to criminal prosecution and civil process.

A.D. 1869.

or in equity for or in respect of any damage or loss which may have been occasioned to any other person through any act or default of the person so sued.

Power to form associations and make rules, &c.

5. It shall be lawful for any number of persons, whether workmen or employers, to form themselves into associations for the purpose of mutual support and assistance in any trade or employment whatsoever, and to subscribe funds, and to offer assurances, and to make rules and regulations, and impose penalties upon the members thereof voluntarily, and for the management of such associations; provided that no such association be formed or maintained with any intent to procure the commission of any offence which, for the time being, shall subject the person so offending to prosecution, or with any intent to procure any object whatever by means of such offence.

18 & 19 Vict. c. 63. applicable to such associations.

6. Every such lawful association shall be capable of obtaining the benefit of those parts of the Friendly Societies Acts as apply to the societies mentioned in section eleven of the Act eighteen and nineteen Victoria, chapter sixty-three.

Enrolment of associations.

7. The secretary or other authorized officer or agent of any such association shall, for the purpose of the enrolment of such association, and afterwards annually, deposit with the registrar of friendly societies a copy of all the rules and byelaws, whether written or printed, for the time being in force in such association, or in any branch of such association, and shall make declaration, to be supported by similar declaration on behalf of the branches, that no other rules or byelaws are in force or are capable of being put in force in such association or branch.

Returns to be made by associations.

8. Once in the course of every year the secretary or other officer or agent of such association shall forward to the registrar an account of the expenditure of such association for the preceding year, showing the amount expended in benefits, to be distinguished from the amount expended in relief of members when out of work; and the registrar shall have power to call for detailed statements of the accounts, and for books, ledgers, and other documents of the association.

Certificate of registrar.

9. Within one month after such deposit the registrar shall give a certificate that the said association has rules in accordance with law, and has been duly enrolled.

Discretion of registrar.

10. The registrar shall have no power to refuse such certificate on any other ground, except that some rule of such association or some item of expenditure has been improperly withheld, or that some

A.D. 1869.

rule or item discloses an intent to procure the commission of some offence which for the time being would subject the person so offending to criminal prosecution.

Appeal from registrar.

11. In all cases an appeal from any decision of the registrar in giving or withholding such certificate, and in making or refusing such enrolment, shall lie to the superior courts of law.

Limitation of corporate rights of associations.

12. No such association as is mentioned in the fifth section hereto, whether enrolled or not enrolled, shall be capable of suing or proceeding either at law or in equity as a corporate body unless it be otherwise duly incorporated; and no such association shall be capable, either in its own name or in that of its trustees or officers, of enforcing as against any member of such association, either at law or in equity, payment of any contribution, fine, or other due whatsoever, whether owing by such member under any rule or not, or of obtaining as against any member the benefit of any agreement made with such member.

Trustees of association to prosecute and sue.

13. Provided always, that nothing herein contained shall be construed to affect the power of the trustees of such association in prosecuting any person for any offence committed in respect of the property of such association, whether any person so offending shall be a member of such association or not, or of recovering at law or in equity from any person, whether a member thereof or not, any property of the said association, not being a contribution, fine, or due owing from such person as such member.

Agreements between association and members not enforceable; winding-up Acts not applicable to associations.

14. No such association shall be capable of being sued as a corporate body in its own name or in that of its trustees or officers (unless it be otherwise incorporated), nor shall it be capable of being dissolved or wound up under any winding-up Act, and shall not be liable at law or in equity to any of its members for or in respect of any agreement or assurance made between such society and its members.

Reservation of all rights under Friendly Societies Acts.

15. Provided always, that nothing herein contained shall be construed to affect the trustees or any member of any such enrolled association in the exercise of all the rights and powers conferred by the said Friendly Societies Acts, and that nothing herein contained shall affect the right of every actual member of any such association to a share of the joint property on dissolution.

Restraint of trade not to be pleaded.

16. Upon any proceedings in respect of any criminal prosecution, and upon any action, suit, or proceedings for the recovery of any property which shall have been deposited with or which shall have come into the hands of any person, it shall not be pleaded or shown

A.D. 1869.

in stay of such proceedings that such criminal prosecution or such suit or action is brought or promoted in respect of some matter or thing which is contrary to public policy, as being in restraint of trade; provided that nothing herein contained shall be construed to require any court of law or equity to give specific performance of or to enforce any penalty or give damages for the non-performance of any agreement which shall be considered by such court to be contrary to public policy as being in restraint of trade, due regard being had by such court to the amount of the restriction thereby imposed on the party restrained, together with the adequacy of the consideration to the party restraining.

Trades Unions, &c.

A

B I L L

To amend the Law relating to Trade Combinations and Trade Unions.

(Prepared and brought in by Mr. Thomas Hughes and Mr. Mundella.)

Ordered, by The House of Commons, *to be Printed,* 9 *April* 1869.

[Bill 68.] *Under* 1 *oz.*

A

B I L L

TO

Protect the Funds of Trades Unions from Embezzlement and Misappropriation. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. An association of persons having rules, agreements, or practices among themselves as to the terms on which they or any of them will or will not consent to employ or to be employed shall not, by reason only that any of such rules, agreements, or practices may operate in restraint of trade, or that such association is partly for objects other than the objects mentioned in the Friendly Societies Acts, be deemed, for the purposes of the twenty-fourth section of the Friendly Societies Act, 1855, for the punishment of frauds and impositions, to be a society established for a purpose which is illegal, or not to be a friendly society within the meaning of the forty-fourth section of the said Act. Provisions of the 18 & 19 Vict. c. 63. s. 24 to apply to certain associations.

2. This Act shall not continue in force after the *last day of August one thousand eight hundred and seventy.* Duration of Act.

3. This Act may be cited as "The Trades Unions Funds Protection Act." Short title.

Trades Unions (Protection of Funds).

A

B I L L

To protect the Funds of Trades Unions from Embezzlement and Misappropriation.

(Prepared and brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1869.

[Bill 216.]

Under 1 *oz.*

A

B I L L

TO

Continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provisions concerning Turnpike Roads. A.D. 1869.

WHEREAS it is expedient to continue for limited times some of the Acts herein-after specified, and to repeal others:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Acts specified in the first schedule annexed hereto shall be repealed on and after the first day of November one thousand eight hundred and sixty-nine. Repeal of certain Turnpike Acts. Schedule 1.

2. The Acts specified in the second schedule annexed hereto shall expire at the time in that behalf mentioned in "The Annual Turnpike Acts Continuance Act, 1868." Expiration of certain Turnpike Acts. Schedule 2.

3. The Acts specified in the third schedule annexed hereto shall be repealed on and after the date in that behalf mentioned in "The Annual Turnpike Acts Continuance Act, 1868." Repeal of certain Turnpike Acts. Schedule 3.

4. The Acts specified in the fourth schedule annexed hereto shall continue in force until the first day of November one thousand eight hundred and seventy, unless Parliament in the meantime otherwise provides. Continuance of certain Turnpike Acts. Schedule 4.

5. The Acts specified in the fifth schedule annexed hereto shall be repealed on and after the first day of November one thousand eight hundred and seventy, unless Parliament in the meantime otherwise provides. Repeal of certain Turnpike Acts. Schedule 5.

6. All other Acts now in force for regulating, making, amending, or repairing any turnpike road in Great Britain which will expire Continuance of all other Turnpike Acts.

at or before the end of the next session of Parliament shall continue in force until the first day of November one thousand eight hundred and seventy, and to the end of the then next session of Parliament, unless Parliament in the meantime otherwise provides.

Explanation of 3 & 4 W. 4. c. 80.

7. Whereas by an Act of the session of the third and fourth years of the reign of His late Majesty King William the Fourth, chapter eighty, intituled "An Act requiring the annual Statements "of Trustees or Commissioners of Turnpike Roads to be transmitted "to the Secretary of State, and afterwards laid before Parliament," and the several enactments contained in previous Acts therein referred to, certain provisions are made in relation to the statements of accounts of turnpike trusts, and to enable one of Her Majesty's Principal Secretaries of State to elucidate such statements and make abstracts thereof and prepare observations thereon to be laid before Parliament: And whereas divers local Acts of Parliament relating to turnpike trusts have expired during the last five years, and doubts have arisen whether the said Act and the enactments therein referred to, apply after the expiration of such local Acts: Be it enacted, that where any local Act of Parliament relating to any turnpike trust has expired within the period of five years preceding the date of the passing of this Act, or may hereafter expire, the said Act of the session of the third and fourth years of the reign of His late Majesty William the Fourth, chapter eighty, and the enactments therein referred to, shall be deemed in the same manner, as if such local Act had not expired, to apply in the case of such trust, and the officers thereof, until such information may have been furnished to the said Secretary of State as will in his opinion enable him to elucidate the statement and make the abstract thereof and prepare his observations thereon, and to lay the same before Parliament as required by the said Act.

Short title.

8. This Act may be cited for all purposes as "The Annual Turnpike Acts Continuance Act, 1869."

SCHEDULES.

County.	Name of Trust.	No. of Schedule.	No. of Act.
Bedford	Barford	2	15
	Bedford and Luton	3	52
	Bedford and Newport Pagnell	2	16
	Hitchin and Bedford	2	48
Berks	Chilton Pond	3	58
	Reading and Basingstoke	2	26
Bucks	Colnbrook, Datchet, and Slough	5	98
Cambridge	Arrington	4	65
	Newmarket Heath	2	33
Chester	Frodsham and Wilderspool	2	30
	Spann Smithy, Booth Lane, and Winsford	4	71
Cumberland	Whitehaven	4	82
Durham	Boroughbridge and Durham (part)	4	88
	Bowes and Sunderland Bridge	4	63, 64
	South Shields	1	10
	Wearmouth Bridge to Tyne Bridge	5	97
	West Auckland	2	44
Essex	Epping and Ongar	2	50
	Hockerill	4	83
Gloucester	Crickley Hill and Campsfield	2	25
Hereford	Blue Mantle Hall	2	27
	Leominster	1	1
Hertford	Wadesmill	4	67
Kent	Ashford and Maidstone	1	5
	Sevenoaks	2	47, 49
	Tonbridge and Maidstone	2	34
	Wrotham Heath	2	32
	Wrotham and Maidstone	2	31
Lancaster	Pendleton Roads	4	96
	Penwortham and Wrightington	4	79

County.	Name of Trust.	No. of Schedule.	No. of Act.
Leicester -	Burton Bridge and Market Bosworth -	4	85
Lincoln -	Foston Bridge and Witham Common -	4	84
	Leadenham and Southwell, Eastern District	2	29
Norfolk -	Lynn and Wisbech - - -	4	74
	New Buckenham - - -	2	43
	Norwich, Swaffham, and Mattishall -	4	91
	Norwich and Watton - - -	2	42
	Thetford - - - - -	2	18
North-ampton.	Dunchurch - - - -	4	81
	Northampton to Newport Pagnell -	3	54
	Stamford and Kettering - - -	3	60
	Wansford and Stamford - - -	4	75
	Warwick and Northampton - -	4	89
Nottingham	Bawtry and Scrooby - - -	4	62
	Bingham - - - - -	4	69
	Dunham Ferry - - - -	2	13
	Foston Bridge and Little Drayton -	4	68
	Nottingham and Derby, Eastern District	4	80
	Nottingham and Newhaven, First District (part).	3	61
Oxford -	Barrington and Campsfield - -	2	46
	Gosford Road - - - -	4	70
Somerset -	Bridgewater - - - -	4	72
	Frome - - - - -	4	86
	Wells and Highbridge - - -	3	57
Stafford -	Ashby-de-la-Zouch to Tutbury - -	4	78
	Birmingham and Wednesbury - -	2	40
	Lichfield (part) - - -	2	41
	Newport and Stonnall - - -	2	24
	Walsall (United) - - - -	2	36
	Walsall and Hamstead - - -	2	38
	Wolverhampton, Old (part) - -	2	39
Suffolk -	Bury St. Edmunds and Newmarket -	2	45
	Claydon, Blakenham, &c. - -	2	11, 12
Surrey -	Epsom - - - - - -	3	53
	Kingston and Sheetbridge, Lower District.	3	59
	Kingston and Sheetbridge, Upper District.		
	Limpsfield - - - -	2	14
Sussex -	Cowfold and Henfield (Branch) - -	1	4
Warwick -	Ansley and Whitacre - - -	2	37
	Dunchurch and Stonebridge - -	4	77

County.	Name of Trust.	No. of Schedule.	No. of Act.
Wilts -	Beckhampton - - - -	2	20
	Chippenham - - - -	2	19
	Corsham - - - -	2	35
	Fisherton, Wilton, &c. - - -	2	17
	Sarum and Eling, Eling District -	3	56
	Sarum and Eling, Lobcombe District		
	Trowbridge - - - -	5	99
	Warminster - - - -	3	55
Worcester	Tenbury - - - - -	4	73
	Worcester:	4	92, 95
	Barbourne Roads (7th Dist.)		
	Bransford Roads (4th „)		
	Broadwas Roads (5th „)		
	Henwick & Martley Rds. (6th „)		
	London & Stonebow Rds. (1st „)		
	Powick Roads (3rd „)		
	Upton Roads (2nd „)		
York -	Boroughbridge and Durham (part) -	4	88
	Doncaster and Bawtry - - -	4	87
	Halifax and Sheffield, Huddersfield to Penistone.	2	22
	Halifax and Sheffield, Third District -	1	6
	Harrogate and Boroughbridge - -	2	21
	Kirkstall, Otley, and Shipley - -	4	94
	Leeds and Wakefield - - -	2	23
	Malton and Pickering - - -	2	28
	Rotherham and Swinton - - -	1	3
	Rotherham and Wentworth - -	1	2
	Sheffield and Tinsley - - -	1	8, 9
	Wakefield and Halifax - - -	3	51
	Wellington and Tong Lane End - -	1	4*a*
	Wetherby and Knaresbrough - -	4	76
	Wortley, Armley, and Bramley - -	1	7
	Wortley and Pudsey - - -	4	90
	York and Boroughbridge - - -	4	66
Denbigh -	Llanrwst - - - - -	4	93

FIRST SCHEDULE.

Acts which are to be repealed on and after the 1st of November 1869.

Date of Act.	Title of Act.
56 G. 3. c. xxxi. - *Limited to expire on 30 June 1870.*	1. An Act for continuing the term and altering and enlarging the powers of an Act of the fortieth year of His present Majesty, for improving the roads leading from the town of Leominster in the county of Hereford.
6 G. 4. c. lii. - - *Limited to expire on 30 June 1870.*	2. An Act for amending and repairing the turnpike road leading from the north end of the town of Rotherham to the east side of Tankersley Park in the county of York.
7 & 8 G. 4. c. lviii. - *Limited to expire on 30 June 1870.*	3. An Act for amending, repairing, and maintaining the turnpike road from Rotherham to Swinton in the West Riding of the county of York.
11 G. 4. c. civ. - - *Limited to expire on 30 June 1870.*	4. An Act for more effectually repairing the roads from Hand Cross, through Cowfold, to Corner House, and from thence to the turnpike road from Horsham to Steyning, and from Corner House aforesaid to the Maypole in the town of Henfield, and certain branches therefrom, all in the county of Sussex; *so far as the same relates to the Branch Road.*
5 W. 4. c. xxxvi. - *Limited to expire at end of session after 1 Nov. 1869.*	4*a*. An Act for repairing and maintaining the road from the Wellington Bridge Road in the parish of Leeds to Tong Lane End in the parish of Birstal, and other roads branching therefrom, and for making and maintaining a new road from the aforesaid road at Swallow Hill in the township of Wortley to Pudsey, all in the West Riding of the county of York; *so far as the same relates to the Wellington and Tong Lane End District of Road.*
6 W. 4. c. l. - *Limited to expire on 30 June 1870.*	5. An Act for the more effectually repairing, improving, and maintaining the road from the town of Ashford to the town of Maidstone in the county of Kent.
7 W. 4. c. xxxiii. - *Limited to expire at end of session after 1 Nov. 1869.*	6. An Act for widening and improving the road from Halifax to Sheffield in the West Riding of the county of York, so far as relates to the third district of the said road; and for diverting the said district of road, and making a new line of road therefrom.
1 & 2 Vict. c. xciii. - *Limited to expire at end of session after 1 November 1869.*	7. An Act for repairing and maintaining the road from the Leeds and Halifax Turnpike Road at Stanningley to the bridge over the Leeds and Liverpool Canal, and making and maintaining a continuation of the same road to Water Lane in Leeds, and other roads communicating therewith, all in the West Riding of the county of York.

Date of Act.	Title of Act.
4 & 5 Vict. c. cix. *Limited to expire at end of session after 8 July 1872.*	8. An Act for repairing the turnpike road from Tinsley to Doncaster, and for making certain new lines of road to communicate with the same, all in the West Riding of the county of York; *so far as the same relates to the Sheffield and Tinsley Road.*
12 & 13 Vict. c. lxiv. *Limited to expire at end of session after 8 July 1872.*	9. An Act to extend the present Tinsley and Doncaster turnpike road from Tinsley to Sheffield, and for other purposes.
17 Vict. c. xlvii. *Limited to expire at end of session after 2 June 1875.*	10. An Act to renew the term and continue certain of the powers of an Act passed in the seventh year of the reign of His Majesty King George the Fourth, intituled "An Act for making and maintaining a "turnpike road from South Shields to White Mere "Pool, and from thence to join the Durham and "Newcastle turnpike road at Vigo Lane, with a "branch from Jarrow Slake to East Boldon, all in "the county of Durham."

SECOND SCHEDULE.

Acts which are to expire at the Date (30th June 1870) mentioned in 31 & 32 Vict. c. 99.

Date of Act.	Title of Act.
33 G. 3. c. cxxviii.	11. An Act for more effectually repairing the roads from Ipswich to the Scole Inn Road, and from Claydon to the Bury St. Edmund's Road, at the end of the bounds of the parish of Hawleigh, and from Yaxley Bull to Eye, and from Eye to Lanthorn Green, in the county of Suffolk.
51 G. 3. c. cviii.	12. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the roads from Ipswich to the Scole Inn Road, and from Claydon to the Bury St. Edmund's Road, and from Yaxley Bull to Eye and Lanthorn Green, in the county of Suffolk.
53 G. 3. c. xii.	13. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing and widening the road from Dunham Ferry to the South End of Great Markham Common in the county of Nottingham.

Date of Act.	Title of Act.
53 G. 3. c. xliii. -	14. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing the road from the Eaton Bridge turnpike road at Cockham Hill in the parish of Westerham in the county of Kent to the turnpike road from Croydon to Godstone in the county of Surrey.
54 G. 3. c. xvii. -	15. An Act for enlarging the term and powers of two Acts, passed in the twelfth and thirty-third years of His present Majesty, for repairing the road from the parish of Cardington to the Great Northern Road near Temsford Bridge in the county of Bedford, and for making and maintaining a road branching out of the same at Roxton Hill to the South End of the turnpike road leading from Bedford to Kimbolton in the county of Huntingdon.
54 G. 3. c. cxxiv. -	16. An Act for repairing the road from Saint Lloyds in the town of Bedford in the county of Bedford to the turnpike road leading from Olney to Newport Pagnell in the county of Buckingham.
55 G. 3. c. lxii. -	17. An Act for enlarging the term and powers of four Acts of His present Majesty, for repairing several roads leading from Fisherton, Wilton, Heytesbury, and other places in the county of Wilts, and for diverting the line of part of the said roads.
56 G. 3. c. lxviii. -	18. An Act for enlarging the term and powers of several Acts for amending the road from the end of the Town Close in the County of the city of Norwich to the Chalk Pits near Thetford in the county of Norfolk.
58 G. 3. c. xliii. -	19. An Act for more effectually repairing and improving the road leading from Studley Bridge, through the borough of Chippenham, to Pickwick, and from the East End of Chippenham Bridge to Lower Stanton, and from the East End of the said bridge to join the road at Draycot Cerne in the county of Wilts.
58 G. 3. c. lxxxii. -	20. An Act to continue the term and enlarge the powers of an Act of His present Majesty, for repairing the road at or near Beckhampton and other roads in the said Act mentioned in the county of Wilts ; *so far as the same relates to the Beckhampton or First District of Road.*
59 G. 3. c. i. -	21. An Act to continue the term and alter and enlarge the powers of three Acts of His late and present Majesty's reign, for repairing the roads therein respectively mentioned and described, in the county of York, so far as the said Acts relate to the road leading from the south-west corner of the inclosures of Harrogate, through Knaresborough to Boroughbridge.

Date of Act.	Title of Act.
59 G. 3. c. xci. -	22. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing the road from Huddersfield to Penistone in the county of York.
1 & 2 G. 4. c. v. -	23. An Act for amending and repairing the road from Leeds to Wakefield in the county of York.
1 & 2 G. 4. c. xxxii.	24. An Act for continuing and amending three Acts of Their late Majesties King George the Second and King George the Third, for repairing the road from Newport in the county of Salop to Welsh Harp in the township of Stonnall in the county of Stafford.
1 & 2 G. 4. c. cix. -	25. An Act to continue the term and alter and enlarge the powers of three Acts, so far as relates to the roads from the top of Crickley Hill in the county of Gloucester, to and through Northleach, Burford and Witney, to Campsfield, and the turnpike road at or near Enslow Bridge in the county of Oxford.
3 G. 4. c. lii. -	26. An Act for more effectually making, repairing, and improving the road leading from Reading in the county of Berks to Basingstoke in the county of Southampton.
5 G. 4. c. cxlii. -	27. An Act for amending and widening the roads leading from Stretford's Bridge in the county of Hereford to the Cross Moor or Long Meadow End in the county of Salop, and other roads therein mentioned in the said county of Hereford.
6 G. 4. c. clviii. -	28. An Act for amending and maintaining the road from the north end of Old Malton Gate in the town and borough of New Malton to the town of Pickering in the county of York.
7 G. 4. c. xxiv. -	29. An Act for more effectually repairing the roads from Littlegate at the top of Leadenham Hill in the county of Lincoln to Newark-upon-Trent, and from Newark-upon-Trent to Mansfield, and from Southwell to the south end of the town of Oxton in the county of Nottingham; *so far as the same relates to the Eastern District.*
7 & 8 G. 4. c. lxii. -	30. An Act for more effectually repairing and improving the road from Frodsham to the south end of Wilderspool Causeway, within Appleton, in the county Palatine of Chester; and for making and maintaining a certain extension or new branch of road to communicate therewith.

Date of Act.	Title of Act.
9 G. 4. c. xviii. -	31. An Act for more effectually repairing the road from Footscray, by Wrotham Heath, to Maidstone, and from the said road into the road from Mereworth to Hadlow, and for making and maintaining a road from the said road at Wrotham Heath to Teston, and from the said road from Mereworth to Hadlow to Saint Leonard's Street in the parish of West Malling, all in the county of Kent.
10 G. 4. c. xx. -	32. An Act for more effectually improving and repairing the road leading from the turnpike road at Wrotham Heath in the county of Kent to the turnpike road leading from Croydon to Godstone in the county of Surrey.
10 G. 4. c. liii. -	33. An Act for repairing the road from the East end of the town of Newmarket over Newmarket Heath to the turnpike road to Stump Cross in the counties of Cambridge and Suffolk, and the road branching out of the aforesaid road near the Devil's Ditch on Newmarket Heath to the present turnpike road to Cambridge.
10 G. 4. c. lxii. -	34. An Act for repairing the road leading from Tonbridge to Maidstone in the county of Kent.
10 G. 4. c. lxxxiii. -	35. An Act for consolidating the trusts of certain roads called "The Blue Vein and Bricker's Barn Turnpike Roads," in the counties of Wilts and Somerset, and for more effectually repairing and improving the same.
11 G. 4. & 1 W. 4. c. cvi.	36. An Act for improving and maintaining the road leading from Walsall to Muckley Corner near Lichfield, and other roads, in the county of Stafford.
1 W. 4. c. xiv. -	37. An Act for repairing the Watling Street road, the Mancester and Wolvey Heath road, and other roads communicating therewith, in the counties of Leicester and Warwick, *so far as the same relates to the Ansley and Whitacre district of road.*
1 W. 4. c. xlvi. -	38. An Act for improving and maintaining several roads leading to and from the town of Walsall in the county of Stafford.
1 & 2 W. 4. c. xxv. -	39. An Act for repairing and improving certain roads in the counties of Stafford and Salop, leading to and from the town of Wolverhampton in the county of Stafford, *so far as the same relates to the Walsall and Bilston branches of the Old District, from the junction of the Shiffnall and Bridgnorth branches at Chapel Ash in Wolverhampton.*
2 W. 4. c. vi. -	40. An Act for more effectually maintaining and improving the roads from Birmingham to Wednesbury, and to Great Bridge, and from thence to the Portway

Date of Act.	Title of Act.
	adjoining the Bilston and Wednesbury turnpike road, and to Nether Trindle near Dudley, and from Trouse Lane in the parish of Wednesbury to Darlaston, in the counties of Warwick, Stafford, and Worcester; and for making new branches of road communicating therewith.
2 W. 4. c. lxxi. -	41. An Act for more effectually repairing the first district of the road from Coleshill, through the city of Lichfield and the town of Stone, to the end of the county of Stafford in the road leading towards Chester, and several other roads in the counties of Warwick and Stafford and city and county of the city of Lichfield; *so far as the same relates to the road from Coleshill, through Lichfield, to the end of the parish of Longdon, or "Coleshill to Brereton Road," and to the road from the south-western entrance into Featherbed Lane to and through Tewnal's Lane to High Bridges and Yoxall Bridge or "Tewnal's Lane road."*
3 W. 4. c. xv. - -	42. An Act for more effectually repairing the road from the city of Norwich to the Windmill in the town of Watton in the county of Norfolk, and for making a new branch of road to communicate therewith.
3 W. 4. c. xxxix. -	43. An Act for more effectually repairing, altering, widening, and otherwise improving the road from Ber Street gates in the city of Norwich to New Buckenham in the county of Norfolk.
3 W. 4. c. lvi. -	44. An Act for more effectually repairing the road from the North end of the road called the Coal Road, near West Auckland in the county of Durham, to the Elsdon Road, near Elishaw in the county of Northumberland.
3 & 4 W. 4. c. xcviii.	45. An Act for more effectually repairing the road from Bury Saint Edmunds to Newmarket in the counties of Suffolk and Cambridge.
4 & 5 W. 4. c. xciv. -	46. An Act for making, improving, and keeping in repair the roads leading from Barrington to Campsfield and Enslow Bridge in the county of Oxford.
5 W. 4. c. xx. -	47. An Act for repairing the road from Farnborough to Riverhill in the parish of Sevenoaks in the county of Kent, and for making several diversions in the said road.
5 W. 4. c. xxxix. -	48. An Act for more effectually repairing and improving the road from the town of Hitchin, through Shefford, to the turnpike road from Saint Albans to Bedford, and also the road from the turning out of the said road to Henlow and Gerford Bridge, and other roads therein mentioned, in the counties of Hertford and Bedford.

Date of Act.	Title of Act.
6 W. 4. c. ii. -	49. An Act to amend an Act passed in the fifth year of the reign of His present Majesty, for repairing the road from Farnborough to Riverhill in the parish of Sevenoaks in the county of Kent; and for making a new line of road to communicate therewith.
6 W. 4. c. xlix. -	50. An Act for more effectually repairing the roads from Harlow Bush Common to and into the parish of Woodford, and the road from Epping to Writtle, and other roads therein mentioned, all in the county of Essex.

THIRD SCHEDULE.

Acts which are to be repealed on or after the date (30th June 1870) mentioned in 31 & 32 Vict. c. 99.

Date of Act.	Title of Act.
1 Vict. c. xliii. - *Limited to expire at End of Session after* 11 *June* 1869.	51. An Act for repairing and maintaining the roads leading from Wakefield to Halifax, and from near Hipperholm Bar to near Stump Cross, all in the West Riding of the county of York.
1 & 2 Vict. c. xlix. - *Limited to expire at End of Session after* 4 *July* 1869.	52. An Act for repairing the road from Maulden Wood Corner to Westwood Gate in the county of Bedford.
2 Vict. c. iv. - - *Limited to expire at End of Session after* 6 *May* 1870.	53. An Act for repairing the road from Epsom to Tooting, and other roads communicating therewith, all in the county of Surrey.
2 Vict. c. xiii. - *Limited to expire at End of Session after* 4 *June* 1870.	54. An Act for repairing the road from Cotton End near the town of Northampton to Newport Pagnel in the county of Buckingham.
3 Vict. c. xxi. - *Limited to expire at End of Session after* 3 *April* 1871.	55. An Act for making and repairing several roads in and leading to and from the town of Warminster in the county of Wilts.

Date of Act.	Title of Act.
3 Vict. c. xxxiv. - *Limited to expire at End of Session after 8 June* 1871.	56. An Act for repairing and improving the roads from Lobcombe Corner in the parish of Winterslow, to the city of New Sarum in the county of Wilts, and from the said city to Landford, and other roads in the county of Southampton.
4 & 5 Vict. c. xcviii. *Limited to expire at End of Session after July* 1872.	57. An Act for more effectually widening and improving the road from Wells to Highbridge, with a road thereout to Cheddar, all in the county of Somerset.
4 & 5 Vict. c. cxi. - *Limited to expire at End of Session after 7 July* 1872.	58. An Act for repairing and maintaining the road from the Mayor's Stone in Abingdon to Chilton Pond in the county of Berks.
15 & 16 Vict. c. cxxiii. *Limited to expire at End of Session after 26 October* 1873.	59. An Act to repeal the Act relating to the road from the town of Kingston-upon-Thames in the county of Surrey to Sheetbridge near Petersfield in the county of Southampton; and to make other provisions in lieu thereof.
17 & 18 Vict. c. cix. *Limited to expire at End of Session after 1 November* 1875.	60. An Act to repeal an Act for enlarging the term and powers of an Act of His late Majesty George the Third, for repairing the road from Saint Martin Stamford Baron to Kettering, and from Oundle to Middleton Lane, in the county of Northampton; and to make other provisions in lieu thereof; *so far as the same relates to the Stamford and Kettering, or First District.*
18 & 19 Vict. c. xcii. *Limited to expire at End of Session after 1 January* 1877.	61. An Act for continuing the term of the Nottingham and Newhaven Turnpike Road and Districts Act; and for other purposes; *so far as the same relates to the portion of road extending from Pye Bridge to the western terminus of the First District.*

FOURTH SCHEDULE.

Acts which are to continue until the 1st of November 1870, unless Parliament in the meantime otherwise provides.

Date of Act.	Title of Act.
53 G. 3. c. xi. - -	62. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing and widening the road from Bawtry in the county of York to East Markham Common in the county of Nottingham, and from Little Drayton to Twyford Bridge in the said county of Nottingham.
53 G. 3. c. xxv. -	63. An Act for continuing and amending an Act of His present Majesty, for repairing the roads leading from Bowes in the county of York, through Barnard Castle and Bishop Auckland, to join the Great North Road near Sunderland Bridge in the county of Durham.
56 G. 3. c. xxxiii. -	64. An Act to rectify a mistake in an Act of the fifty-third year of His present Majesty, for repairing the roads from Bowes in the county of York to join the Great North Road near Sunderland Bridge in the county of Durham.
57 G. 3. c. lxviii. -	65. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from Cambridge to the Old North Road, near Arrington Bridge in the county of Cambridge.
58 G. 3. c. ii. -	66. An Act to continue the terms and alter and enlarge the powers of three Acts passed in the twenty-third year of the reign of His late Majesty King George the Second, and in the eleventh and thirty-seventh years of His present Majesty's reign, for repairing the road from the city of York to Boroughbridge in the county of York.
1 & 2 G. 4. c. xvii. -	67. An Act for continuing and amending four Acts of their late Majesties King George the Second and King George the Third, for repairing the roads leading from Wades Mill in the county of Hertford to Barley and Royston in the said county.
1 & 2 G. 4. c. xxix. -	68. An Act for continuing the term and amending, altering, and enlarging the powers of an Act of His late Majesty's reign for more effectually repairing the Road from Foston Bridge in the county of Lincoln to Little Drayton in the county of Nottingham.

Date of Act.	Title of Act.
1 & 2 G. 4. c. xxx. -	69. An Act for more effectually repairing and improving the road from Newark-upon-Trent in the county of Nottingham, to join the road from Nottingham to Grantham in the county of Lincoln, near the Guide Post on the Foss Road near Bingham in the said county of Nottingham.
1 & 2 G. 4. c lxxxvi.	70. An Act to continue and amend two Acts for repairing the road from the turnpike road near the town of Weston-on-the-Green in the county of Oxford to the turnpike road on Kidlington Green in the said county.
3 G. 4. c. xlviii. -	71. An Act for more effectually repairing and widening the roads from Spann Smithy, through Middlewich and by Spittle Hill in Stanthorn, to Winsford Bridge, and from Spittle Hill to Northwich in the county palatine of Chester.
3 G. 4. c. lxv. -	72. An Act to repeal several Acts passed for repairing several roads leading to the town of Bridgewater in the county of Somerset, and several other roads therein mentioned, so far as the said Acts relate to the roads leading to the said town, and to consolidate and comprise the same in one Act of Parliament.
4 G. 4. c. xxv. -	73. An Act for more effectually amending, widening, and keeping in repair several roads in and near to the town of Tenbury in the counties of Salop, Worcester, and Hereford, and the roads leading from the Knowle Gate to the turnpike road on the Clee Hill, and from Kyre Mill to the turnpike road leading from Bromyard to Tenbury.
4 G. 4. c. lv. - -	74. An Act for more effectually amending the roads from the Little Bridge over the end of the drain near Wisbeach River, lying between Roper's Fields and the Bell Inn in Wisbeach in the Isle of Ely, to the west end of Long Bridge in South Lynn in the borough of King's Lynn in the county of Norfolk, and for amending, improving, and keeping in repair certain other roads therein mentioned, in the said county of Norfolk.
4 G. 4. c. cxi. -	75. An Act for more effectually repairing the road from Wansford Bridge in the county of Northampton to Stamford, and from Stamford to Bourn in the county of Lincoln; *so far as the same relates to the Wansford District.*
5 G. 4. c. viii. - -	76. An Act for amending, improving, and keeping in repair the roads leading from Wetherby to Knaresborough in the West Riding of the county of York.

Date of Act.	Title of Act.
5 G. 4. c. xliii. -	77. An Act for repairing the road from Dunchurch to Stonebridge in the county of Warwick.
5 G. 4. c. ci. -	78. An Act for more effectually repairing the road from Ashby-de-la-Zouch in the county of Leicester, through Burton-upon-Trent in the county of Stafford, to Tutbury in the said county of Stafford.
6 G. 4. c. ii. - -	79. An Act for repairing and maintaining the road from Penwortham Bridge to the boundary between the townships of Wrightington and Shevington, and the road from Lydiate Lane End to a bridge called Little Hanging Bridge, all in the county of Lancaster.
7 & 8 G. 4. c. xxvii. -	80. An Act for more effectually repairing and otherwise improving the road from the east end of Chapel Bar in Nottingham to the New China Works near Derby, and from the Guide Post in the parish of Lenton to Sawley Ferry, all in the counties of Nottingham and Derby; *so far as the same relates to the Eastern Division.*
7 & 8 G. 4. c. liv. -	81. An Act for repairing the road from Dunchurch to Hillmorton in the county of Warwick, and from thence to Saint James's End in the parish of Duston in the county of Northampton.
9 G. 4. c. x. - -	82. An Act for more effectually repairing and improving the roads leading to and from the port, harbour, and town of Whitehaven in the county of Cumberland.
10 G. 4. c. xxi. -	83. An Act for more effectually repairing, widening, and improving the road from Harlow Bush Common in the parish of Harlow in the county of Essex to Stump Cross in the parish of Great Chesterford in the same county, and for making and maintaining two new lines of road communicating therewith.
11 G. 4. & 1 W. 4. c. xc.	84. An Act for repairing the road from Foston Bridge to the Division Stone on Witham Common in the county of Lincoln.
1 W. 4. c. x. -	85. An Act for repairing the road from Burton Bridge in the county of Stafford to Market Bosworth in the county of Leicester.
1 & 2 W. 4. c. lxvi. -	86. An Act for better repairing and improving several roads leading to and from the town of Frome in the county of Somerset.
2 W. 4. c. xx. -	87. An Act for more effectually repairing and otherwise improving the road from Doncaster to Bawtry in the county of York.

Date of Act.	Title of Act.
2 W. 4. c. xxii. -	88. An Act for more effectually repairing the road leading from Boroughbridge in the county of York to the city of Durham, and for making and maintaining certain deviations therein.
2 W. 4. c. xcviii. -	89. An Act for repairing and improving the road from the Great Bridge in the borough of Warwick, through Southam and Daventry, to the town of Northampton.
5 W. 4. c. xxxvi. -	90. An Act for repairing and maintaining the road from the Wellington Bridge Road in the parish of Leeds to Tong Lane End in the parish of Birstal, and other roads branching therefrom, and for making and maintaining a new road from the aforesaid road at Swallow Hill in the township of Wortley to Pudsey, all in the West Riding of the county of York; *so far as the same relates to the Wortley and Pudsey District of Road.*
5 W. 4. c. xl. -	91. An Act for more effectually repairing the road from Saint Benedict's Gate in the county of the city of Norwich to Swaffham in the county of Norfolk, and from Halfpenny Bridge in Honingham to the Bounds of Yaxham, and also a lane called Hangman's Lane, near the gates of the said city.
5 & 6 W. 4. c. lxiii. -	92. An Act for improving and more effectually repairing the several roads leading into and from the city of Worcester; *so far as the same relates to the first, second, third, fourth, fifth, sixth, and seventh districts of roads.*
7 W. 4. c. xxxv. -	93. An Act for more effectually repairing, improving, and maintaining certain roads leading to and from the town of Llanrwst in the county of Denbigh.
1 & 2 Vict. c. lxxvii.	94. An Act to vary and alter the lines of the Kirkstall, Ilkley, and Shipley district of road, and for making a new road from the Otley branch road in the said district to Burley in the parish of Otley, all in the West Riding of the county of York.
11 & 12 Vict. c. cxxxvii.	95. An Act to enable the trustees of the Worcester Turnpike Road to make certain new roads, and to improve and more effectually maintain the several roads leading into and from the city of Worcester; *so far as the same relates to the first, second, third, fourth, fifth, sixth, and seventh districts of roads.*
16 & 17 Vict. c. cxxxv.	96. An Act for more effectually repairing and improving several roads leading to and from the town of Salford, through Pendleton, and other places in the county palatine of Lancaster.

FIFTH SCHEDULE.

Acts which are to be repealed on and after the 1st of November 1870, unless Parliament in the meantime otherwise provides.

Date of Act.	Title of Act.
2 Vict. c. xxii. - *Limited to expire at End of Session after 1 September 1870.*	97. An Act for more effectually repairing and improving the road from Wearmouth Bridge to Tyne Bridge, with a branch from the said road to the town of South Shields, all in the county of Durham.
4 Vict. c. xxxiii. - *Limited to expire at End of Session after June 1872.*	98. An Act for more effectually repairing the road from Cranford Bridge to Maidenhead Bridge, with roads thereout to Eton Town End, and to the Great Western Railway, and from Langley Broom to Datchet Bridge, all in the counties of Middlesex and Bucks.
17 & 18 Vict. c. lxxv. *Limited to expire at End of Session after 1 November 1875.*	99. An Act to create a further term in the Trowbridge roads, to add other roads to the trust, to amend and extend the Act relating to the said roads; and for other purposes.

Turnpike Acts Continuance, &c.

A

B I L L

To continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provisions concerning Turnpike Roads.

(*Prepared and brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed*, 1 *July* 1869.

[Bill 191.]

Under 3 *oz.*

Turnpike Roads Bill.

ARRANGEMENT OF CLAUSES.

Preamble.—Recitals.

PRELIMINARY.

Clause.

1. Definition of terms.

PART I.

As to the Proceedings at Meetings to be held for carrying out the provisions of this Act.

2. Meeting of ratepayers to be called for requiring declaration to abolish turnpike trust, and to maintain road as a public highway.
3. Declaration to be signed at the meeting. Chairman may negotiate with creditors as to the amount of debts, &c.
4. Declaration may be signed within six months after the day when first agreed to.
5. Meeting may be adjourned.
6. After declaration is signed, the chairman to call another meeting of ratepayers, for apportionment of turnpike debt; and may adjourn such meeting.
7. Form and date of declaration.

PART II.

As to the Maintenance of Road and Payment of Debts after the abolition of the Turnpike Trust.

8. After the abolition of the turnpike trust the road to be maintained as a public highway.

PART. III.

Power to raise Money by way of Loan or Voluntary Contributions to pay off turnpike debts.

9. Local authorities may borrow money to pay off turnpike debts, payable out of parochial assessment. May raise money by voluntary contributions.

PART IV.

After the Abolition of the Turnpike Trust, the Property thereto attached to vest in the Local Authorities.

10. Property of the turnpike trust to vest in the local authorities.
11. Power for justices to give possession of toll houses and turnpike trust property to local authorities or their agent.
12. Turnpike trust property to be sold by local authorities.
13. Application of the purchase money arising from such sales.

PART V.

As to the Costs of carrying out this Act.

14. Costs to be included amongst turnpike trust debts.

PART VI.

Forms of Proceedings under this Act.

15. Forms, not to be set aside for irregularity :
    1. Notice for calling original meeting.
    2. Declaration to be signed at such meeting.
    3. Declaration as to apportionment and assessment of turnpike debt.

A

B I L L

TO

To enable parishes in England and Wales to provide for the maintenance of Turnpike Roads within their respective districts as Public Highways; and to discharge the debts due thereon by parochial assessment or voluntary commutation. A.D. 1869.

WHEREAS it is expedient to alter the laws relating to turnpike roads, trusts, and proprietary bridges, so far as to enable parishes through which such roads may pass to provide for the abolition of tolls in respect thereof, and for the future maintenance of such roads and bridges as public highways within their respective districts; and also to ascertain and redeem the debts chargeable on such turnpike roads, trusts, and bridges by a rateable assessment on the said parishes, or by voluntary commutation, or otherwise as herein-after provided:

And whereas by an Act passed in the thirty-second year of the reign of Her present Majesty, entitled "The Annual Turnpike Acts Continuance Act, 1868," certain trusts, therein specified or referred to, will cease to exist at and after the period therein mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Definition of terms.

1. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be anything in the subject or context repugnant to such construction:

"Trustees:"

The word "trustees" shall include trustees, commissioners, and all persons authorized and empowered by any special Act to carry into execution turnpike trusts or the trusts relating to proprietary bridges:

"Creditors:"

The word "creditors" shall include mortgagees, bond holders, and all persons holding legal or equitable securities on the tolls of turnpike trusts:

A.D. 1869.

"Bridges:" The word "bridges" shall include proprietary bridges:

"Debts:" The word "debts" shall include mortgages, bonds, notes, securities, and all other liabilities attaching to turnpike trusts:

"Local authorities:" The words "local authorities" shall include highway boards, local government boards, parish vestries, and all other persons (except waywardens and surveyors) having jurisdiction over the maintenance of highways, parish roads, and proprietary bridges:

"Person:" The word "person" shall include the Queen's Majesty, and any body corporate, whether aggregate or sole, as well as any:

"Parish:" The word "parish" shall include any township, hamlet, or district separately rated to the relief of the poor or the maintenance and repair of highways or parish roads:

"Property:" The word "property" shall include toll houses, gates, or bars, as well as all real and personal estate whatever attaching to turnpike trusts and proprietary bridges:

"Land:" The word "land" shall include all messuages, tenements, mines, quarries, and other hereditaments, rateable to the maintenance and repair of highways or parish roads:

"Writing." The word "writing" shall include printing:

Short title. This Act may be cited for all purposes as "The Turnpike Trusts Parochial Abolition Act, 1869."

PART I.

As to the Proceedings at Meetings to be held for carrying out the provisions of this Act.

Meeting of ratepayers to be called for signing declaration to abolish turnpike trust, and to maintain road as a public highway.

2. Any one or more ratepayers whose interest shall not be less than *one fourth* of the aggregate parochial assessment of the parish through which any turnpike road passes may call a meeting of the ratepayers of such parish, by a notice thereof, in writing under his or their hands, to be affixed at least *twenty-one days* before such meeting on the principal outer door of the church or other public building in the said parish, and on such of the toll houses, turnpike gates, or bars upon or along the said road or proprietary bridge, and to be *twice* at least during such *twenty-one days* inserted in some newspaper generally circulated in the county or district through which such road passes, for the purpose of considering and determining whether it is expedient to abolish the turnpike trust or bridge within such parish, and to maintain and keep in repair the turnpike roads or bridge within the same parish as a general highway by the local authorities out of the parochial assessment, or out of the district fund, in case the parish shall be incorporated in a highway district, under the provisions of the Act of the twenty-seventh and

27 & 28 Vict. c. 101. s. 32.

twenty-eighth Victoria, chapter one hundred and one, and the persons who may be present at any such meeting may proceed to make and sign a declaration to that effect; and if the persons signing such declaration shall represent *two thirds* of the ratepayers of the aggregate amount of the parochial assessment made upon the parish through which the said turnpike road passes, such declaration so signed shall be binding and conclusive for all such purposes as aforesaid.

Chairman to be appointed, and declaration to be signed at the meeting.

3. The majority in number of the ratepayers present at any such meeting as aforesaid shall elect a chairman, who, with the approval of the majority of persons then present, shall adopt such measures as he may deem expedient for inquiring into and ascertaining the revenue and the amount of debts, together with all other particulars relating to the turupike trust; and for such purposes the chairman shall be entitled to require, by notice in writing under his hand, addressed to the clerk of the trustees or other officer of the said turnpike road, all such information relative to the said revenue, debts, and other particulars as he may, in furtherance of the objects aforesaid, deem necessary; and any clerk or officer to whom such notice shall have been given is hereby authorized and required to furnish such information; and upon the same being obtained the chairman shall have power to negociate and enter into an agreement with any of the creditors of the said turnpike trust or owner of bridges, as to the amount or share of their respective debts or purchase money which shall be fixed and apportioned for payment out of the parochial assessment of the said parish, or out of the district fund raised under the provisions of the before-mentioned Act of the twenty-seventh and twenty-eighth Victoria, chapter one hundred and one.

Chairman may negotiate with creditors as to the amount of debts, &c.

Declaration may be signed within six months after the day when first agreed to.

4. If there shall be an insufficiency of interest of persons present consenting to such declaration at such meeting as aforesaid it shall be lawful, notwithstanding, to sign such declaration, and the said declaration, if signed within *six calendar months* from the day at which the same was signed as aforesaid by persons representing *two thirds* of the aggregate amount of the parochial assessment made upon the said parish through which the turnpike passes or in which the bridge exists, shall be deemed as effectual for all purposes as if agreed to and signed at the said original meeting.

Meeting may be adjourned.

5. In case any adjournment of the said meeting for any cause shall be desired by a majority of the persons present, the chairman shall adjourn the same to any time and place by him then to be declared, and continue such adjournment from time to time, in case the same shall be in like manner desired by a majority of the persons attending such meeting; and notice in writing of every

A.D. 1869.

such adjourned meeting shall be given under the hand of the chairman, and shall be affixed in a conspicuous place on the outside of the building in which such meeting, or the last adjournment thereof, shall be holden, and the like order of proceeding shall be observed at any such adjourned meeting, and everything done thereat shall be as binding and effectual as if done at the original meeting.

Form and date of declaration.

6. Every such declaration as aforesaid shall bear date on the day on which the first signature is attached thereto, or to the memorandum or minute thereof, and shall be in such form and to such effect as is herein-after provided.

After declaration is signed, the chairman to call another meeting of ratepayers for apportionment of turnpike debt;

and may adjourn such meeting.

7. After such declaration is completed and signed in manner aforesaid, the chairman shall forthwith call a meeting of the ratepayers, of which fourteen days notice in writing shall be given under his hand, and affixed on the outer door of the building where such meeting is to be held, for the purpose of ascertaining and fixing the amount or share of the debts of the said turnpike trust or bridge to be apportioned on the parochial assessment of the said parish, and of making provision for payment of the same; and the chairman may from time to time adjourn such meeting, in like manner as is herein-before directed for the adjournment of the original meeting: And after the amount of such debt so to be apportioned shall have been ascertained, and the assessment thereof so fixed and determined as aforesaid, the chairman shall make and sign a declaration in such form and to such effect as is herein-after provided; and such declaration so signed by him shall be binding and conclusive for all such purposes as aforesaid.

PART II.

As to the Maintenance of Road and Payment of Debts after the abolition of the Turnpike Trusts or Bridges.

After the abolition of the turnpike trust the road to be maintained as public highway.

8. After such declaration has been signed, and the amount or share of the debt of such turnpike trust or bridge has been duly apportioned, and the payment thereof agreed to, according to the provisions herein-before contained, the powers and duties of the trustees of all such turnpike trusts or bridges shall cease and determine, and the trust property held by them, so far as the said parish is concerned, shall vest in and be transferred to the local authorities, according to the provisions herein-after contained, and upon the cessation of the powers and duties of such trustees the turnpike road or bridge situate within such parish shall thenceforth be sustained and kept in repair by the local

authorities out of the district fund raised under the provisions of the before-mentioned Act of the twenty-seventh and twenty-eighth Victoria, chapter one hundred and one; but if the said parish is not incorporated in any highway district, under the provisions of the said Act, then the same shall be raised out of the rates which from time to time shall be assessed for the maintenance and repair of the highways, public roads, or bridges of such parish, in proportion to the extent of mileage of the turnpike road which passes through the same parish; and it shall be lawful for the said local authorities to apply such district fund and rates in maintaining and keeping in repair the said turnpike road or bridge throughout the said parish or highway district in which the same is respectively situated, and such road or bridge shall thenceforth be dealt with in all respects as to the maintenance and repair in like manner as the highways and other public roads or bridges within the same parish or district, and shall be subject to the like powers and provisions as are contained in the several statutes made and now in force for the regulation of the general public highways throughout England and Wales: Provided always, that if such parish shall be hereafter incorporated in any highway district, under the provisions of the said Act, the expenses of maintaining and keeping in repair such portion of the said turnpike road or bridge as were previously defrayed out of the highway rate of such parish shall thenceforth be shifted to and defrayed out of the fund of the highway district in which such parish shall be so incorporated as aforesaid.

27 & 28 Vict. c. 101. s. 32.

5 & 6 W. 4. c. 50. 2 & 3 Vict. c. 45. 8 & 9 Vict. c. 71. 25 & 26 Vict. cc. 61–94. 27 & 28 Vict. c. 101.

PART III.

Power to raise Money by way of Loan or Voluntary Contributions, to pay off turnpike debts or purchase bridges.

9. If the local authorities shall be desirous of raising by way of loan the amount necessary to pay off and liquidate the debt to be apportioned upon the parish or highway district under the provisions of this Act, they are hereby authorized and empowered to borrow and raise such loan, to be payable, with interest thereon, from time to time, by instalments, and according to the rateable proportions herein-before mentioned, out of the parochial assessment of the said parish or the common fund of the said highway district, in like manner as is provided by the several statutes made and now in force for raising loans for the improvement of land, and all the several powers and authorities therein granted for that purpose shall be applicable for the carrying out the provisions of this Act; and it

Local authority may borrow money to pay off turnpike debts, payable out of parochial assessment.

A.D. 1869.

May raise money by voluntary contributions.

shall also be lawful for the said local authorities to raise money by voluntary contributions for the purpose of paying off and liquidating the debt so to be apportioned as aforesaid, and the money so raised shall be allocated between and amongst the ratepayers of the said parish or highway district according to the rateable proportions herein-before mentioned.

PART IV.

After the abolition of the Turnpike Trust or Bridge, the Property thereto attached to vest in the Local Authorities.

Property of the turnpike trust to vest in the local authorities.

10. From and after the transfer of the turnpike trust or bridge, under the provisions of this Act, all property whatever vested in or belonging to the trustees of the turnpike road or bridge so to be converted into a general highway as before mentioned shall vest in the local authorities for such estate and interest as the said trustees shall have therein, and the said trustees and their officers, and all other persons in possession thereof, shall surrender all title deeds and other documents of every description relating thereto, to the said local authorities, to be by them applied as herein-after mentioned.

Power for parties to give possession of toll houses and turnpike trust property to local authorities or their agent.

11. If any toll collector or other person shall refuse or neglect, after seven days notice in writing to that effect from the local authorities, to deliver up to them, or to any person appointed by them for that purpose, any toll house, bridge, or other property, to be vested in the said local authorities, under the provisions of this Act, or any other matter or thing relating thereto, in the possession or under the control of such collector or other person, then, upon application being made by the said local authorities, or any other person so appointed by them as aforesaid, to any one or more justice or justices of the peace for the district within which such offence shall be committed, it shall be lawful for such justice or justices to order any constable or police officer, with proper assistance, to enter into and upon such toll house, bridge, or other property, and to remove any person found therein or upon the same, and to take possession thereof, and to deliver the same to the said local authorities or any person appointed by them for that purpose.

Turnpike trust property to be sold by local authorities.

12. The local authorities shall, as soon as conveniently may be after the turnpike trust or bridge shall be vested in them, under the provisions of this Act, sell or dispose or authorize the sale and disposal of the property of the said trust within the parish or highway

district through which the said turnpike road or bridge passes, or so much thereof as shall not be required for the purposes of the said road or bridge, either by public auction or private contract, and either in one or more lots, as they may deem expedient, to such persons as may be willing to become the purchasers of the same; and the said local local authorities shall have full power to enter into all necessary arrangements for such sales, or to rescind or vary the same, and to give full and effectual discharges for the purchase money, and to execute all necessary conveyances for vesting the same in the purchasers thereof; and the said local authorities shall also take down or remove any property which may encroach upon the said road, or any other property of the said turnpike trust or bridge within the said parish or highway district, and may sell and dispose of the materials thereof in manner aforesaid: Provided always, that before the said local authorities shall sell and dispose of or offer for sale and disposal any property not wanted for the purpose of the said road or bridge they shall offer the same to the owners of the lands adjoining thereto, and if any owner shall thereupon refuse or shall not agree to purchase the same, such property shall be sold to any other person who may be willing to become the purchaser thereof as aforesaid.

Application of the purchase money arising from such sales.

13. All monies to arise from the sale of any turnpike trust property as before mentioned, after deducting the necessary expenses attending the same, and all monies to be received from the trustees or officers of such trust, shall be applied by the local authorities in defraying the expenses of carrying into execution the provisions of this Act; and the parish or highway district in which the said turnpike trust is situated, and from which the monies have arisen, shall be entitled to credit for the amount so applied, and the said local authorities shall allocate the same accordingly.

PART V.

As to the Costs of carrying out this Act.

Costs to be included amongst turnpike trust debts.

14. All the costs of and incident to any proceedings under this Act shall be ascertained and fixed by the local authorities, and such costs shall be included amongst the debts of the said turnpike trust, and shall be apportioned and paid in the same manner as other debts of the said trust are apportioned under the provisions of this Act.

A.D. 1869.

PART VI.

Forms of Proceedings under this Act.

Forms not to be set aside for irregularity.

15. The following forms shall be used and adopted in all proceedings under this Act, and no technical objections as to the irregularity or subject matter thereof shall be taken before or allowed by any court of jurisdiction in pleading the same.

1.

"*The Turnpike Trusts Parochial Abolition Act*, 1869."

Notice for calling original meeting.

[I *or* we] the undersigned, whose interest is not less than one fourth of the aggregate parochial assessment of the parish of in the county of through which the turnroad * leading from [*name of town or place*] in the said county of to [*name of town or place*] in the county of do hereby give notice, That a meeting of the ratepayers will be held in the vestry room of the said parish [*or other usual place for holding parochoial meetings*] in [*name of town or place*] on the day of of 18 , for the purpose of taking into consideration the expediency of abolishing the turnpike trusts within the said parish, and of sustaining and keeping in repair the turnpike road within the same parish as a general highway, by the local authorities, out of the said parochial assessment]*or* "out of the highway district fund for the said parish"], pursuant to the provisions of "The Turnpike Trusts Parochial Abolition Act, 1869," in such case made and provided. Dated this day of of 18 .

(Signed) *A.B.*
C.D.

2.

"*The Turnpike Trusts Parochial Abolition Act*, 1869.

Declaration to be signed at such meeting.

Whereas a public meeting was this day held in the vestry room room of the parish of [*or other usual place for holding parochial meetings*], pursuant to a notice duly signed by ratepayers whose interest is not less than one fourth of the aggregate parochial assessment, for the purpose of taking into consideration the expediency of abolishing the turnpike trusts within the said parish, and of sustaining and keeping in repair that portion of the turnpike road [*or* roads] which passes through the same parish as a general

* If more than one turnpike road runs through the parish, and the trusts of the whole are to be abolished, particularize each of such roads.

highway by the local authorities, out of the said parochial assessment [*or* out of the highway district fund raised for the said parish] pursuant to the provisions of "The Turnpike Trusts Parochial Aboltion Act, 1869:" And whereas the said notice was duly affixed for *twenty-one days* previous to such meeting on the principal outer door of the said parish church [*or other usual place for affixing parochial notices*], and on each of the toll houses, turnpike gates, and bars upon or along the said road, and was also *twice* advertized within the said *twenty-one* days in the [*name of journal*], a newspaper circulated within the said county and district through which the said road passes: And whereas *A.B.* [*name and address of chairman*] was duly appointed chairman by the majority of persons present at the said meeting: A.D. 1869.

Now [I, *or* we,] the undersigned, whose interest is not less than three fourths of the parochial assessment of the said parish of do hereby declare and determine, That the said turnpike trusts, so far as the same respectively relate to the said parish, shall be abolished, and that such portion of the turnpike road as passes through the said parish shall, after such abolition, be sustained and kept in repair as a general highway by the local authorities out of the said parochial asssessment [*or* out of the said district fund]: And [I *or* we] do hereby authorize and empower the chairman to inquire into and ascertain the revenue and the amount of debts, together with all other particulars relating to the said turnpike trusts, and to negotiate and enter into an agreement with any of the creditors of the said trust as to the amount or share of their respective debts which shall be fixed and apportioned for payment out of the said parochial assessment, and also to all other matters and things in relation thereto, as he may deem necessary and expedient, pursuant to the powers and provisions of the said "Turnpike Trusts Parochial Abolition Act, 1869," in such case made and provided.

Dated this day of 18 . (Signed) *A.B.*
D.C.

3.

"*The Turnpike Trusts Parochial Abolition Act*, 1869."

Declaration as to the apportionment and assessment of turnpike trusts debts.

Whereas, in and by a declaration in writing, bearing date the day of 18 , and duly signed by ratepayers of the parish of in the county of , whose interest is not less than three fourths of the aggregate parochial assessment, it was determined that the turnpike trusts, so far as

A.D. 1869.

related to the said parish, should be abolished; and that after such abolition the turnpike road which passes through the said parish should be sustained and kept in repair as a general highway by the local authorities out of the said parochial assessment [*or out of the district fund raised for the maintenance of the highways of the said parish*]: And whereas in and by the said declaration I *A.B.* [*name of chairman*] was authorized and empowered, as the chairman duly appointed at the meeting held on the day of the date thereof, to inquire into and ascertain the revenue and the amount of debts, together with all other particulars relating to the said turnpike trusts, and to negotiate and enter into an agreement with any of the creditors of the said trusts as to the amount or share of their respective debts which shall be fixed and apportioned for payment out of the said parochial assessment [*or out of the said district fund*], and to do all other matters and things in relation thereto as I might deem necessary and expedient for carrying out the powers and provisions of "The Turnpike Trusts Abolition Act, 1869," in such case made and provided: And whereas I have duly made such inquiries and arrangements, according to the provisions of the said Act, with the creditors of the said turnpike trusts, and have ascertained the revenue thereof to be pounds, and the debts thereof to be pounds, and that the sum of pounds is the fair and quit rent or share of the said debts to be fixed and apportioned for payment out of the said parochial assessment: And whereas it has been agreed and determined upon by the majority of ratepayers present at the meeting held this day, pursuant to notice for that purpose given, that the said debt or sum of pounds shall be fixed and apportioned upon the aggregate assessment of the said parish of for payment by the owners or occupiers of land therein according to the amounts set opposite to their respective names in the schedule hereunder written or hereto annexed, and by the respective instalments herein-after mentioned: Now, I the said *A.B.* [*name of chairman*] do hereby declare, adjudge, and determine that the said debt or sum of pounds shall be fixed and apportioned upon the aggregate parochial assessment of the said parish of , and shall be paid to the creditors of the said turnpike trusts by the several owners or occupiers of land within the said parish according to the share or proportion of such debt set opposite to their respective names in the schedule hereunder written or hereto annexed: And I do hereby further declare and determine, that the said debt or sum of pounds shall be paid to the said creditors by the said several owners or

occupiers, according to their said respective shares or proportions, by the several instalments and on the several days and times hereinafter mentioned; that is to say, the sum of pounds on the day of 18 , the sum of pounds, &c. [*set out the amount of the several instalments, and the days on which the same are to be paid*].

Given under my hand, this day of 18 .

(Signed) *A.B.*, Chairman.

The SCHEDULE in the said Declaration referred to.

Owner.	Occupier.	Land assessed.	Amount to be paid.
			£ *s.* *d.*

(Signed) *A.B.*, Chairman.

Turnpike Roads.

A

BILL

To enable parishes in England and Wales to provide for the maintenance of Turnpike Roads within their respective districts as Public Highways; and to discharge the debts due thereon by parochial assessment or voluntary commutation.

(*Prepared and brought in by Mr. Whalley and Mr. Blake.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1869.

[Bill 52.]

Under 2 *oz.*

A

BILL

TO

Repeal certain Tests and alter certain Statutes affecting the Constitution of the Universities of Oxford and Cambridge. A.D. 1869.

WHEREAS it is expedient that the benefits of the Universities of Oxford and Cambridge should be rendered freely accessible to the nation:

And whereas, by means of divers restrictions, tests, and disabilities, many of Her Majesty's subjects are debarred from the full enjoyment of the same:

And whereas it is expedient that such restrictions, tests, and disabilities should be removed:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited as "The Oxford and Cambridge Universities Tests Act."

Interpretation of terms.

2. In the construction of this Act—

The words "professor" and "professorship" shall include respectively all assistant or deputy professors and public readers, prælectors, and lecturers in each university, and their respective offices:

The word "scholarship" shall include the bursaries appropriated to any college in Scotland:

The word "college" shall include the cathedral or house of Christ Church in Oxford.

Persons taking lay academical degrees not to be required to subscribe any formulary of faith, &c.

3. From and after the *passing of this Act*, no person shall be required, upon taking or to enable him to take any degree (other than a degree in divinity) within the Universities of Oxford and Cambridge, or either of them, or as a condition of exercising any of the rights and privileges which may heretofore have been or may hereafter be exercised by graduates thereof respectively, to subscribe any article or formulary of faith, or to make any declaration or take any oath respecting his religious belief or profession, or to conform to any religious observance, anything in any Act of

A.D. 1869.

Proviso applicable to extra academical offices.

Parliament or statute of the said universities or either of them to the contrary notwithstanding: Provided always, that in case any such degree shall be tendered as a qualification for any office now tenable only by a member of the United Church of England and Ireland, for which such degree has heretofore constituted one of the necessary qualifications, being other than an office within the said universities or either of them, or any of the colleges or halls thereof respectively, the person or persons appointing or electing to such office shall require the person so tendering such degree as aforesaid to subscribe such formularies or to make such declaration as he would have been required to subscribe or make on taking such degree if this Act had not passed.

Persons not to be required, as a qualification for professorships and other academical offices tenable by a layman in either university, to subscribe, &c.

4. From and after the *passing of this Act*, no person shall be required, as a qualification for or as a condition of holding any public professorship or other academical office or place of emolument which is or may be tenable by a layman, or as a condition of teaching, within the said universities or either of them, to subscribe any article or formulary of faith, or to make any declaration, or take any oath respecting his religious belief or profession, or to conform to any religious observance, anything in any Act of Parliament, instrument of foundation or endowment, or statute, of the said universities or either of them to the contrary notwithstanding.

Saving of collegiate offices.

5. Provided always, that nothing in the foregoing section contained shall be taken to apply to any headship or fellowship, or any office of or in any college, house, or hall within the said universities or either of them, not being a fellowship or other endowment in such college, house, or hall attached to some public professorship or other academical office in the said universities or either of them, and held by virtue thereof.

Act of Uniformity, &c., so far as relates to collegiate offices, &c., repealed.

6. From and after the *passing of this Act*, the provisions of the several Acts mentioned in the schedule, so far as the same respectively apply to any mastership or headship, fellowship, tutorship, lecturership, scholarship, exhibition, or any other office or place of emolument, or to the membership, of or in any college, house, or hall within the said universities or either of them, or to the eligibility or qualification of persons for or the conditions of tenure of any such office or place, shall be and the same are hereby repealed.

Proviso relative to public worship.

7. Provided, that nothing in this Act contained shall be taken to extend to the provision heretofore made for the celebration according to law, of the public worship of the Church of England

within the said universities or either of them, or within any college or hall therein respectively. A.D. 1869.

SCHEDULE.

13 & 14 Charles II. chapter 4.
1 George I. statute 2, chapter 13.
31 George III. chapter 32.
10 George IV. chapter 7.

University Tests.

A

BILL

To repeal certain Tests and alter certain Statutes affecting the Constitution of the Universities of Oxford and Cambridge.

(*Prepared and brought in by Mr. Solicitor General, Mr. Bouverie, and Mr. Grant Duff.*)

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1869.

[Bill 15.]

Under 1 *oz.*

Valuation of Property Blil.

ARRANGEMENT OF CLAUSES.

Clauses.

Preliminary.

1. Short title.
2. Act to be construed as one with 25 & 26 Vict. c. 103. and 27 & 28 Vict. c. 39.
3. Extent of Act.
4. Definitions.

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A

B I L L

TO

Provide for a common basis of value for the purposes of government and local taxation, and to promote Uniformity in the Assessment of Rateable Property in England. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Valuation Act, 1869.

Short title.

2. The Union Assessment Committee Act, 1862, (in this Act referred to as "the principal Act,") and the Union Assessment Committee Act, 1864, (amending the same,) and this Act, are hereinafter distinguished as and may be cited for all purposes as "The Assessment Acts;" and this Act shall, so far as is consistent with the tenor thereof, be construed as one with the principal Act and the Act amending the same; and the expression "this Act" in the principal Act, and any expression referring to the principal Act which occurs in the Act amending the same, or in any other document, shall, as regards the unions and parishes to which this Act extends, be construed to mean the principal Act as amended by this Act.

Act to be construed as one with 25 & 26 Vict. c. 103. and 27 & 28 Vict. c. 39.

3. This Act shall not apply to Scotland or Ireland, or (except as expressly provided) to unions and parishes not in union, which are for the time being either wholly or for the greater part in value thereof respectively situate within the jurisdiction of the Metropolitan Board of Works appointed under the Metropolis Management Act, 1855 (which unions and parishes are in this Act referred to as the metropolis).

Extent of Act. 18 & 19 Vict. c. 120.

4. In this Act, unless the context otherwise requires,

Definitions.

The term "county" does not include a county of a city or a county of a town, but includes any riding, division, or parts of a county having a separate court of quarter sessions, but each division of the county of Sussex is for the purposes of this Act to be deemed a separate county:

"County:"

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The Isle of Ely is to be deemed to be a separate county, but all other liberties and franchises of every description not forming part of any county, and counties of cities and counties of towns, are for the purposes of this Act to be considered as forming part of that county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary; provided, first, that the liberty of Peterborough shall be considered as forming part of the county of Huntingdon; secondly, that the county of the city of York shall be considered as forming part of the North Riding of York:

"Borough:" The term "borough" means any place for the time being subject to the provisions of the Act of the session of the fifth and sixth years of the reign of His Majesty William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales:"

"Parish:" The term "parish" means any place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

"Union:" The term "union" means any union of parishes and any parish for which there is a separate assessment committee under the Assessment Acts:

"Ratepayer:" The term "ratepayer" includes every person who is liable directly or indirectly to any rate or tax in respect of property entered in any valuation list:

"Year:" The term "year" means the twelve months commencing with the sixth of April and ending with the succeeding fifth of April, and words referring to a year refer to the same period:

"Surveyor of taxes:" The term "surveyor of taxes" means any surveyor of taxes, inspector of taxes, or other officer, appointed or to be appointed by the Commissioners either of Inland Revenue or of the Treasury for the purposes of any tax in respect of which a valuation list is by this Act made conclusive:

"Hereditament:" The term "hereditament" means any lands, tenements, hereditaments, and property which are liable to any rate or tax in respect of which the valuation list is by this Act made conclusive:

"Gross value:" The term "gross value" means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rentcharge, if any; and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any,

necessary to maintain the hereditament in a state to command that rent:

"Rateable value."

The term "rateable value" means the gross value after deducting therefrom the probable annual average cost of the repairs, insurance, and other expenses as aforesaid:

The Acts specified in the first schedule to this Act are in this Act referred to by the short title placed opposite to them in that schedule.

Valuation Board.

Valuation board for fixing scale of deductions.

5. A valuation board shall be elected in every county for the purpose of determining the percentage or rate of deductions to be made from the gross value in calculating the rateable value of hereditaments.

Constitution of valuation board.

6. With respect to the constitution of the valuation board the following provisions shall have effect; (that is to say,)

(1.) A valuation board shall be elected in each county under the provisions of this Act in *October in the year one thousand eight hundred and sixty-nine*, and in every year preceding the year in which a new valuation list is made:

(2.) A valuation board of a county shall consist of the representatives of the assessment committees of that county, of whom two shall be elected by each assessment committee from their own body, and where any committee includes among its members a justice of the peace a justice of the peace shall be one of the two elected:

(3.) The town council of a borough which has a separate court of quarter sessions, or contains a population (according to the last census for the time being) of not less than ten thousand inhabitants, may from time to time elect one of their number or one of the justices of the peace of such borough to be a member of the valuation board of the county within which such borough is included for the purposes of this Act:

(4.) The election of the members of a valuation board (in this Act referred to as the board) shall be conducted in the manner and according to the regulations laid down in the second schedule to this Act, which schedule shall be of the same force as if it were enacted in the body of this Act:

(5.) A valuation board may from time to time form of its own members one or more committee or committees, and may

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delegate, with or without conditions or restrictions, to any committee so formed, all or any of the powers conferred on the board by this Act, and may from time to time revoke or alter any power so given to a committee:

A board may from time to time add to or diminish the number of or otherwise alter the constitution of any committee formed by it under this Act, so far as such constitution is not defined by this Act:

Provided, first, that no such committee shall consist of less than five members:

Secondly, that no revocation or alteration of any power or of the constitution of the committee, nor any alteration of their numbers, shall affect the validity of anything done by the committee previously to such revocation or alteration:

(6.) No act or proceeding of a board or committee of a board shall be questioned on account of any vacancy or vacancies in their body:

(7.) No defect in the qualification or election of any person or persons acting as member or members of a board or committee of a board shall be deemed to vitiate any proceedings of such board or committee in which he or they have taken part in cases where the majority of members parties to such proceedings were duly entitled to act:

(8.) Any minute made of proceedings at meetings of a board or of committees of a board, if purporting to be signed by the chairman of the meeting at which such proceedings took place, or by the chairman of the next ensuing meeting, shall be receivable in evidence in all legal proceedings without further proof; and until the contrary is proved every meeting of a board or committee of a board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified:

(9.) No member of a board, by being party to, or executing in his capacity of member, any contract or other instrument on behalf of the board, or otherwise lawfully exercising any of the powers given to the board, shall be subject to be sued or prosecuted by any person whomsoever; and the bodies or goods or lands of the members shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into or

executed by them, or by reason of any other lawful act done by them in execution of any of the powers of the board; any losses, costs of legal proceedings, or damages, which members of the board may incur in execution of the powers granted to them, shall be deemed to be expenses incurred by the board, and shall be paid accordingly: A.D. 1869.

(10.) The rules contained in the third schedule to this Act with respect to the proceedings of valuation boards and committees of valuation boards, and to the other matters therein contained, shall be observed in the same manner as if such rules were enacted in the body of this Act.

Clerk of valuation board.

7. The clerk of the peace having jurisdiction in the largest part of the county shall be the clerk of the valuation board, and shall perform such duties as may be prescribed by this Act and by the board. The valuation board may from time to time assign to the clerk such salary or remuneration as they think reasonable. In fixing such salary or remuneration, regard shall be had to the circumstance that in a period of three years the work of the said clerk is less in the two last years than it is in the first year of the period.

Appointment of substitute for clerk.

8. If the clerk of the peace becomes incapacitated, or if, in the opinion of the board, he cannot or does not perform his duties to the satisfaction of the board, or if for any other reason the clerk of the peace appears to be an unfit person to discharge the duties of clerk of the valuation board, the board may appoint some other person not being a member of the board to be their clerk instead of the clerk of the peace, and may remove such person.

Table of Deductions.

Valuation board to draw up table for determining rateable value.

9. The valuation board within five months after their election may subdivide the classes of hereditaments specified in the fifth schedule to this Act, and shall draw up a table showing in the case of each class and each subdivision (if any) the percentage or rate of deductions to be made from the gross value, in order to determine the rateable value of the hereditaments comprised in such class or subdivision, but every such percentage or rate shall be within the limits specified in the said schedule.

Table to be conclusive.

10. The table during the term next ensuing that in which it is drawn up may be removed by writ of certiorari into any of Her

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Majesty's superior courts at Westminster, but shall not be questioned in any appeal under this Act, and until revised shall be binding on all assessment committees and overseers in the county.

Table to be sent to assessment committee and overseers.

11. The table shall be printed, and the clerk of the valuation board shall send printed copies thereof to the assessment committee of every union, and the overseers of every parish in the county; and the production of such a printed copy shall in any legal proceeding be sufficient evidence of the table.

Power of board to call for returns from or to summon overseers, &c.

12. The board shall, with respect to returns, copies of documents, production of documents, and attendance and examination of certain officers, have the same powers as are conferred on the assessment committee by section thirteen of the principal Act; and in construing that section for the purposes of this Act the clerk of the assessment committee shall be deemed to be a person having the custody of books of assessment and the valuation of a parish, and any such power shall be exercised by an order of the board; and section forty of the principal Act shall apply to persons refusing to obey any such order, and the word "committee" in that section shall be construed to include the board.

If any person wilfully make or give any false return, copy, extract, or information required by an order of the board under this section, he shall be liable on summary conviction to a penalty not exceeding *five* pounds.

Making of Valuation Lists.

Making of valuation lists.

13. The overseers of each parish, within the time in this Act mentioned, shall make and sign a valuation list of their parish in duplicate, in accordance with this Act.

Valuation lists to be dealt with under provisions of 25 & 26 Vict. c. 103. ss. 17 to 21.

14. After the valuation list is signed by the overseers the same proceedings shall be had as are directed by the seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections of the principal Act, subject to the alterations made by this Act.

Overseers to send duplicate to surveyor of taxes.

15. The overseers shall send one duplicate of the valuation list to the surveyor of taxes of the district at the same time that the other duplicate is deposited by them. The duplicate so sent shall be transmitted by the surveyor of taxes to the assessment committee within twenty-eight days after he has received the same.

Notice of alteration to to be given to occupier.

16. In each of the following cases, namely:

(1.) Where the overseers of the parish insert in the valuation list some hereditament not previously assessed, or raise the gross or rateable value of some hereditament above the value stated in the valuation list for the time being in force or

(where there is no valuation list) in the then last assessment to the poor rate, or

(2.) Where the assessment committee (otherwise than in determining an objection) alter a valuation list by inserting therein some hereditament, or by raising the gross or rateable value of some hereditament comprised therein,

the overseers shall immediately after the deposit or re-deposit of the list (as the case may be) serve on the occupier of such hereditament, or on the owner if he is rated instead of the occupier, a notice of the gross and rateable value thereof inserted in the valuation list.

Notice to state time and mode of objection.

17. The notice served on the occupier or owner, and the notices of the deposit and re-deposit of the valuation list published by the overseers, shall state the times at which and the mode in which objections are to be made.

Grounds on which persons may object before assessment committee.

18. Objections may be made before the assessment committee by any person authorized by the Assessment Acts to object who feels aggrieved by reason of the unfairness or incorrectness of the valuation of any hereditament, or by reason of the insertion or incorrectness of any matter in the valuation list, or by reason of the omission of any matter therefrom, or by reason of such a valuation list as is required by this Act not having been transmitted by the overseers to the assessment committee. The notice of objection shall specify the correction which the objector desires to be made.

Surveyor of taxes, &c. may inspect, copy, and object to valuation list, returns, and other documents.

19. A surveyor of taxes and any ratepayer in the parish shall have the same right of inspecting, copying, taking extracts from, and objecting to, any valuation list which relates to his district or parish, as is given to any person by the Assessment Acts, and a surveyor of taxes may also at any reasonable time, without fee or charge, inspect and take copies of any notices of objection, returns, and other documents in the possession or under the control of the assessment committee.

If overseers do not make list, committee to appoint person to do so.

20. If the overseers of any parish fail to make or transmit such a valuation list as is required by this Act, the assessment committee shall appoint some person to make a valuation list, and may allow such person such remuneration, in addition to his expenses, as they think fit; and all expenses incurred by the assessment committee in pursuance of this section shall be paid by the guardians, and charged by them to such parish.

The person so appointed shall have for the purposes of this section the same powers and duties as overseers, and the valuation list, so made, shall be dealt with in the same manner as if it had been duly made and transmitted by the overseers.

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Valuation list to be revised, certified, and sent to clerk of the valuation board and overseers.

21. The assessment committee, within the time in this Act mentioned, shall revise the valuation list in accordance with the Assessment Acts. When they have finally approved such valuation list, three members of the committee present at the meeting at which the list is finally approved shall sign at the foot thereof such declaration of approval and certificate of compliance with the instructions as is contained in the fourth schedule to this Act. One duplicate, so certified, shall be sent to the clerk of the valuation board, and the other duplicate to the overseers of the parish to which it relates.

Duplicate of list to be deposited in parish.

22. The overseers of the parish on receiving the duplicate of the valuation list so sent to them by the assessment committee as aforesaid shall immediately deposit it in the place in which the rate books of the parish are kept, and shall publish notice of such deposit, and of the time and mode of making appeals, and of the grounds on which an appeal is allowed by this Act to be made.

Valuation list to be deposited with clerk of the valuation board.

23. The certified valuation list so sent to the clerk of the valuation board by the assessment committee shall be deposited at the office of the clerk of the valuation board, and within such time as in this Act mentioned shall be returned by the clerk to the same assessment committee.

Totals of gross and rateable value in valuation list to be printed, and copies distributed and sold.

24. The clerk of the valuation board after he has received the valuation list as aforesaid, and within such time as in this Act mentioned, shall cause the totals of the gross and rateable values of all the valuation lists in the county for which he acts to be printed, and shall cause a printed copy of all such totals to be sent to every assessment committee, overseer, and town clerk within the said county (including the portions of the county in the metropolis), and to every county treasurer who receives any county rate levied in any place within the said county, and to the Poor Law Board, and, in the case of any county in which the commissioner of the metropolitan police has jurisdiction, to such commissioner. Every assessment committee, overseer, and ratepayer within the said county shall respectively be entitled to have printed copies of such totals on payment of *one penny* for each copy of all the totals.

Appeals.

Appeals to be heard before judge of county court.

25. Appeals under this Act shall be heard before a judge of a county court; and the judge within whose district lies the parish the valuation list of which is wholly or partly questioned by the appeal shall have jurisdiction to try such appeal, and if such parish lies in more than one district the chairman of the assessment committee of the union in which such parish is situate shall name the county court the judge of which shall have jurisdiction.

An appeal shall be deemed to be in all respects a cause within the jurisdiction of the county court, and all enactments, rules, and orders relating to county courts shall apply accordingly, with this qualification:

That the judge may appoint a special day and place for hearing any appeal instead of hearing it on the day and at the place on and at which he ordinarily holds his court.

Judge may summon witnesses.

26. The judge may, by summons, require any person to attend before him as witness whom he thinks proper, and may also, by summons, order any clerk to the commissioners of taxes, any surveyor of taxes, any clerk of an assessment committee, and any overseer in the county to produce any documents relating to rates or taxes, which he may consider necessary for determining an appeal and do not relate to profits of trade, or of concerns in the nature of trade.

Every such summons may be issued and enforced in the same manner as a county court summons may be issued and enforced under any Act relating to county courts.

Persons entitled to appeal.

27. Any ratepayer and any surveyor of taxes who feels aggrieved by any decision of the assessment committee, on an objection made by him, may appeal against such decision.

Any assessment committee in the county, any overseers in the county with the consent of the vestry of their parish, and any ratepayer in the county, may appeal, if they or he feel aggrieved by reason—

(1.) Of the total of the gross value of any parish being too high or too low:

(2.) Of the total of the rateable value of any parish being too high or too low; or

(3.) Of there being no approved valuation list for some parish.

And where a county includes any part of the metropolis this section shall extend to such part.

Notice of appeal to be given.

28. Notice in writing of every appeal, specifying the correction which the appellant desires to have made in the valuation list, must be served, within the time in this Act mentioned, on the following persons; namely,

In all cases on the clerk of the assessment committee which approved the list wholly or partly questioned by the appeal, and, unless the appeal relates only to rateable value, on the surveyor of taxes of the district to which the appeal relates:

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When the appeal relates to the unfairness or incorrectness of the valuation of, or to the omission of an hereditament owned or occupied by any person other than the appellant, or to the incorrectness of any matter stated in the list with respect to any such hereditament, then on such occupier, or, if the owner is rated, on the owner:

If an assessment committee or a surveyor of taxes is the appellant, then also on the overseers of the parish to which the appeal relates.

The clerk of the assessment committee, on receiving notice of an appeal, shall forthwith serve notice thereof on the registrar of the county court the judge of which has jurisdiction to try such appeal, and it shall be the duty of the registrar to serve on the said clerk of the assessment committee, and on all the parties to the appeal, notice of the time and place fixed for hearing the appeal.

Judge to hear and determine appeals, and alter list accordingly.

29. The judge shall, in open court without a jury, hear and determine all appeals brought before him in such order as he may from time to time appoint. He may adjourn the hearing from time to time, and to any day not later than the day before which all appeals are required by this Act to be heard; and if from accident or mistake due notice of appeal has not been given, or if an additional notice of appeal appears to be required, he may, if he thinks it just, order such notice of appeal to be given. He may confirm or alter the valuation list so far as it is questioned by the appeal, in such manner as he thinks just, but shall not make any alteration in contravention of this Act. The clerk of the assessment committee shall attend the court with the valuation list to which the appeal relates, and any alteration shall be made by the judge in that list, and the judge shall place his initials against such alteration.

Making of valuation list where none approved. 25 & 26 Vict. c. 103. s. 33.

30. If it appears to the judge on any appeal that there is no approved valuation list for some parish, he may appoint some proper person (with such remuneration as he may fix) to make a valuation list. Such person shall have for that purpose the same powers and duties as overseers.

The valuation list so made shall be deposited and otherwise made known to the persons interested in such manner as the judge may direct, but in manner as near as may be as is provided in this Act with respect to the list originally made.

The costs of making such valuation list shall be paid by the assessment committee who failed to approve the list, and shall be deemed part of their expenses under the principal Act.

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Judge may, on application of party to appeal, order valuation. 15 & 16 Vict. c. 81. s. 18.

31. If any of the parties to the appeal apply to the judge to direct a valuation of any hereditaments with respect to which any appeal may be made, and if such applicant or applicants give such security as the judge thinks proper to pay the costs of the valuation, the judge may, in his discretion, appoint some proper person to make such valuation.

Adjournment to receive valuation list or valuation.

32. Where a judge appoints a person to make a valuation list or a valuation, he may fix some subsequent day either before or after the day before which all appeals are required by this Act to be heard for receiving such valuation list or valuation, and may adjourn the hearing to that day.

Valuation to be in writing, person making it to have power to enter.

33. The person so appointed to make a valuation shall make his valuation in writing signed by him, showing the particulars of the hereditaments comprised therein, and the amounts at which he has valued the same respectively:

Such person may at all reasonable times, with or without assistants, enter upon any of the hereditaments directed to be valued, and may do thereon all acts necessary for completing the valuation.

Costs of appeal.

34. The costs of any appeal, including the costs of any such valuation as aforesaid, shall be in the discretion of the judge, and shall be awarded by him to be paid by such parties to the appeal, and in such proportions as he thinks just.

Costs (including the costs of making a valuation) ordered to be paid by parties other than a ratepayer shall be paid as in this Act mentioned.

Appeal by a special case from decision of judge on point of law.

35. Any party to an appeal who feels aggrieved by a decision of the judge as being erroneous in point of law, may appeal to a superior court in the same manner as if the decision were an ordinary decision in a county court in a case in which a party is allowed to appeal.

Notice in writing of the decision of such superior court on any appeal under this Act shall be given by the court to the registrar of the county court from which the appeal came. This notice may be given by one of the masters of the court under his hand.

The registrar on the receipt of the notice shall send it to the clerk of the assessment committee which approved the list questioned on the appeal.

Notice of alteration of list to be sent to overseers.

36. Notice of every alteration in the valuation list made in consequence of any decision on any appeal to the judge or superior court shall as soon as possible be sent in writing by the clerk of the assessment committee to the overseers and surveyor of taxes

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of the parish and district respectively to which the list which is so altered relates, and such alteration shall be entered by the overseers, and (in the case of the appeal to a superior court) by the clerk of the assessment committee, on the duplicates respectively deposited with them.

Times for Proceedings.

Times for proceedings in making valuation list.

37. With respect to the times within which proceedings under the Assessment Acts are to be done, the following provisions shall have effect; that is to say,

(1.) The overseers shall make and deposit the valuation list before the *first of June* in the first year after the passing of this Act:

(2.) The overseers shall transmit the valuation list to the assessment committee not sooner than *fourteen* and not later than *seventeen* days after notice is given of the deposit of such list:

(3.) Notice of any objection by any person other than a surveyor of taxes and overseers shall be given before the expiration of *twenty-five* days after the list is deposited:

(4.) The assessment committee shall revise the valuation list before the *first of October* in the same year, and before the same day, but not less than *sixteen* days after the transmission of the list to them by the overseers, shall hold a meeting for hearing objections to such list:

(5.) The assessment committee shall give notice of a meeting for hearing objections to a list not less than *sixteen* days before such meeting:

(6.) Notice of objection with respect to any list by a surveyor of taxes and by overseers shall be given not less than *seven* days before the meeting at which objections to such list will be heard by the assessment committee:

(7.) The assessment committee shall send the valuation list to be re-deposited within *three* days after it is approved by them, and shall appoint a day not less than *fourteen* nor more than *twenty-eight* days after such re-deposit for hearing objections to the alterations, of which objections *seven* days notice shall be given by the objector:

(8.) The assessment committee shall finally approve and send the valuation list to the overseers and the clerk of the valuation board before the *first of November* in the same year:

(9.) The said clerk shall send out the printed totals before the *first of December* in the same year, and shall return the

valuation list to the assessment committee not sooner than *fourteen* nor later than *twenty-one* days after the totals are sent out: A.D. 1869

(10.) Notices of appeal shall be given on or before the *sixteenth of December* in the same year:

(11.) The judge may hold his courts at any time after the *fifth of January* in the same year, which will enable him to determine all appeals (except where a valuation list or valuation is ordered) before the *thirtieth of March*:

(12.) Notice of the times at which the judge will hold his court at each place shall be given *ten days* at least before his first court is held.

Effect of valuation list.

Valuation list to last for three years.

38. The valuation list as approved by the assessment committee, and, if altered on any appeal under this Act, as so altered, shall come into force at the beginning of the year (commencing on the sixth of April) succeeding that in which it is made, and shall last for three years, subject to any alterations that may be made by any supplemental or provisional list as herein-after mentioned.

Rate to be levied notwithstanding appeal.

39. Notwithstanding any appeal under this Act which may be pending at the commencement of the year, the valuation list shall come into force unaltered, and every contribution, rate, and tax in respect of which the valuation list is conclusive shall be required, levied, and paid in accordance with such valuation list; and where in consequence of the decision on any appeal under this Act any alteration in such valuation list is made which alters the amount of the rate or tax levied thereunder, the difference, if too much has been paid, shall be repaid or allowed, and, if too little, shall be deemed to be arrears of the rate or tax (except so far as any penalty is incurred on account of arrears), and shall be paid and recovered accordingly.

Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications.

40. The valuation list for the time being in force shall be deemed to have been duly made in accordance with the Assessment Acts, and shall for all or any of the purposes in this section mentioned be conclusive evidence of the gross value and of the rateable value of the several hereditaments included therein, and of the fact that all hereditaments required to be inserted therein have been so inserted; that is to say,

(1.) For the purpose of any of the following rates which are made during the year that the list is in force, namely, the county rate, borough rate, church rate, highway rate, poor rate, the contributions to the common fund of an union, and every contribution and rate levied on the basis of value:

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(2.) For the purpose of any of the following taxes which become chargeable during the year that the list is in force, namely,

14 & 15 Vict. c. 36.

(*a.*) The tax on houses levied under the House Tax Act, and the Acts therein incorporated or referred to:

5 & 6 Vict. c. 35.

(*b.*) Any tax assessed in pursuance of the Income Tax Act, and any Acts continuing or amending the same, on any lands, tenements, and hereditaments, in all cases where the tax is charged on the gross value and not on profits:

(3.) For the purpose of determining, so far as it is applicable, the value of any hereditament included therein for the purposes of the Acts relating to the sale of exciseable liquors, to the qualification of a juror, and to the qualification of a guardian, at any time at which such value is required to be ascertained:

And in construing the County Rate Act, the basis or standard shall be deemed to be the rateable value stated in such list:

And in construing the House Tax Act, and the Acts therein incorporated or referred to, the full and just yearly rent shall be deemed to be the gross value stated in such list:

And in construing the Income Tax Act, and any Acts continuing or amending that Act, with respect to schedules A. and B. thereof, annual value shall be deemed to mean the gross value stated in such list.

Revision of valuation list.

Mode of revising valuation list.

41. Every valuation list shall be revised in manner directed by this Act, and such revision in every period of *three* years (the first of such periods beginning with the *sixth of April* one thousand eight hundred and *seventy-one*) shall be conducted as follows:

(1.) In the first and second year of such period a supplemental list shall, if necessary, be made out in the same form as the valuation list, and shall show all the alterations which have taken place during the preceding twelve months in any of the matters stated in the valuation list, but shall contain only the hereditaments affected by such alterations. If no alteration has taken place which makes a supplemental list necessary, the overseers shall send a certificate to that effect to the assessment committee in place of such list, which certificate may be in the form contained in the fourth schedule to this Act:

(2.) In the months preceding the third year of every such period the valuation board may, if they think fit, revise the table of deductions:

(3.) In the third year of every such period the overseers shall make a new valuation list:

(4.) The same regulations shall be observed and the same proceedings shall be had in the case of revised table, and a supplemental list and a new valuation list, as are directed by the assessment Acts in the case of the first table, and of the valuation list made in the first year after the passing of this Act:

(5.) A supplemental list and a new valuation list shall come into force at the beginning of the year succeeding that in which they are respectively made, in the same manner and subject to the same conditions as the valuation list made in the first year after the passing of this Act:

(6.) In the second year of such period the valuation list which was in force during the first year of the period, together with and as altered by the supplemental list, if any, which comes into force at the commencement of such second year, shall be the valuation list which is in force during that second year:

(7.) In the third year of such period the valuation list which was in force as aforesaid during the second year of that period, together with and as altered by the supplemental list, if any, which comes into force at the commencement of such third year, shall be the valuation list which is in force during that third year:

(8.) A new valuation list when it comes into force shall supersede the valuation list which was in force during the third year of such period.

Provision for valuing hereditaments increased or reduced in value between the times at which the valuation list is made.

42. If in the course of any year the value of any hereditament is increased by the addition thereto or erection thereon of any building, or is from any cause reduced in value, the following provisions shall have effect:

(1.) The overseers of the parish in which such hereditament is situate may, and on the written requisition of the assessment committee, or of any ratepayer, or of the surveyor of taxes for the district shall, send to the assessment committee a provisional list containing the gross and rateable value as so increased or reduced of such hereditament.

(2.) A copy of the said requisition shall be sent to the clerk of the assessment committee, and if within fourteen days after the requisition has been served on the overseers they make default in sending such provisional list, he shall forthwith summon the assessment committee, and

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the assessment committee shall appoint a person to make such provisional list, in the same manner as is in this Act provided in the case of the overseers failing to transmit a valuation list.

(3.) On the receipt of the list the clerk of the assessment committee shall serve on the surveyor of taxes for the district a copy of such list, and shall serve on the occupier of any hereditament to which the list relates a copy of so much thereof as relates to that hereditament. Every copy shall be accompanied by a notice specifying a day, being not less than fourteen days after the date of the service of the notice on or before which any objection to the provisional list may be made, and stating the mode in which an objection is to be made. Such copy and notice shall be served in the same way as notices by an assessment committee are served.

(4.) An objection may be made to any such provisional list by the said occupier, and by the surveyor of taxes, or by either of them, by notice thereof in writing being served on the clerk of the assessment committee, on the overseers, on the surveyor of taxes, and on the occupier, or on such of them as the case may require.

(5.) The clerk of the assessment committee, on the receipt of the notice of any objection, shall forthwith summon a meeting of the committee, and give notice of the time and place of such meeting to the overseers, to the surveyor of taxes, and the occupier.

(6.) The committee shall hear and determine on the objection in the same manner as if it were an objection to a valuation list, and may make such order as they think just.

(7.) If no objection is made, then on the expiration of the time for making objections, or if an objection is made then as soon as the assessment committee have determined on the objection, the assessment committee shall cause a copy to be made of the provisional list, with any alteration made in it by the committee, and shall return the list or the copy thereof, after being dated and signed by their clerk, to the overseers.

(8.) A provisional list, signed as aforesaid, shall have operation from the date of the service by the clerk of the assessment committee of a copy of the list and notice on the occupier, and shall continue in force until the first list (supplemental or other) which is subsequently made comes into force.

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(9.) A provisional list during the time that it is in force shall be deemed to form part of the valuation list for the time being in force, and shall, so far as is necessary, be substituted for so much of that valuation list as relates to the same hereditament, and every rate and tax in respect of which the valuation list is conclusive, which are respectively made or charged after the list comes into force, shall be levied accordingly; but if when the next revision of the valuation list takes place the list as approved and altered on appeal contains a smaller value for the hereditament comprised in a provisional list than the value stated in such provisional list, the amount of rate or tax which has been overpaid in consequence of the larger value having been stated shall be repaid or allowed.

(10.) Where the owner of any hereditament is liable to be assessed to any rate or tax in the place of the occupier, the owner or other person receiving the rent of such hereditament shall for the purposes of this section be deemed to be the occupier.

(11.) Nothing in this section shall affect the value on which any sum is assessed which is assessed on the totals of the gross or rateable value of parishes or unions.

Expenses.

Providing as to costs of appeal, and expenses of valuation board.

43. Any costs of an appeal awarded against or incurred by any assessment committee or overseers shall be deemed to be expenses incurred under the Assessment Acts, and shall be raised and paid accordingly.

The salary of the clerk of the valuation board, and all costs and expenses incurred by the valuation board, shall be deemed to be expenses of the clerk of the valuation board under this Act, and shall be paid as in this Act provided.

Any costs or expenses awarded against or incurred by any surveyor of taxes shall be defrayed in the same manner as expenses are directed to be defrayed by the Acts relating to the taxes in respect of which the valuation list is made conclusive.

Inland revenue may make allowances for expenses of Act. 5 & 6 Vict. c. 35. s. 186.

44. The Commissioners of Inland Revenue may make such allowances as they think fit for remunerating any person employed by them in the execution of this Act, and for the discharge of any costs or expenses incurred by him.

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Accounts.

Accounts to be made up to 25th March and 29th September, and audited, and statement to be published.

45. The clerk of the valuation board shall make up an account of his receipts and expenses under this Act up to the twenty-fifth day of March and the twenty-ninth day of September in every year.

(1.) The account when so made up shall be audited by an auditor who may be from time to time appointed and removed by the Poor Law Board. The auditor shall receive such remuneration as the Poor Law Board direct, and such remuneration shall be paid by the clerk of the valuation board, and shall, together with the expenses of or incident to the audit, be deemed to be expenses of the said clerk under this Act.

(2.) The audit shall be held at a place approved by the Poor Law Board, and at a time which is fixed by the auditor, but which shall be as soon as may be after the account is made up.

(3. The auditor shall, at least fourteen days before holding the audit, give notice of the time and place of holding the same by advertisement in some newspaper circulating in the county, and by a written notice delivered to or served on the clerk of the valuation board.

(4.) The clerk of the valuation board shall attend the audit, and produce to the auditor all books, bills, vouchers, and documents relating to the account.

(5.) Any ratepayer in the county may be present at the audit, and may object to the account.

(6.) The auditor shall have the same powers and shall have the same obligation to allow and disallow items in the account, and to charge the clerk of the valuation board with any sum for which he may be accountable, as in the case of an audit of the accounts of overseers. And there may be an appeal by any person aggrieved by the decision of the auditor in the same manner as in the case of such last-mentioned audit.

(7.) When the auditor has completed his audit, he shall sign the account, and shall also sign and deliver to the clerk of the valuation board a certificate of the amount due to such clerk, and such other certificates as are mentioned in this Act.

(8.) Subject as aforesaid, the Poor Law Board may from time to time make such regulations as may be necessary respecting the audit.

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Within thirty days after the signature of the accounts by the auditor the clerk of the valuation board shall cause a statement showing his receipts and expenses under this Act, and such other particulars, and in such form as the Poor Law Board may direct, to be printed, and sent by post or otherwise to the assessment committee of every union within the county (including any part of the metropolis which is situate in the county); and he shall furnish a copy of such statement to any overseer or ratepayer within such county on his application, and on the payment of a sum not exceeding one penny.

Recovery of expenses by clerk of valuation board.

46. The amount due to the clerk of the valuation board shall be recovered as follows:

(1.) The amount shall be contributed by each of the following districts in proportion to the rateable value of each district.

(2.) The districts which are to contribute shall in each county as defined by this Act be (*a*) each liberty, franchise, and borough which forms part of such county, and which is not assessed to the general county rate of that county; and (*b*) the rest of the said county which is assessed to such general county rate.

(3.) The rateable value of a district for the purposes of this section shall be the basis or the rateable value on which the then last county rate or rate in the nature of a county rate was levied.

(4.) The proportion of the amount which is to be contributed by each district shall be stated in a separate certificate to be signed by the auditor and delivered by him to the clerk of the valuation board.

(5.) The sum stated in each such certificate shall be a debt due from the district named therein to the clerk of the valuation board, and the certificate shall be conclusive evidence of such debt.

(6.) The clerk of the valuation board may serve on or deliver to the treasurer of each district a copy of the said certificate, with a written request that the sum in that behalf therein specified may be paid to him within ten days after the service, and on the receipt of such copy and request the said treasurer shall pay the same accordingly.

(7.) If the said sum is not paid it may be recovered by action in a county court with full costs as between solicitor and client in the same manner as if it were a debt due from

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the treasurer personally of an amount in which the county court has jurisdiction.

(8.) In any such action the certificate of the auditor shall be conclusive evidence of the debt being due from the said treasurer.

(9.) The treasurer may reimburse himself any money paid under this section out of any moneys which may be in or may come to his hands as treasurer, and if there are no such moneys may recover it as a debt due to him from the district.

Rules for formation of Valuation List.

Form and contents of valuation list.

47. The valuation list shall be made out in the form given in the fourth schedule to this Act.

The overseers shall not include in such valuation list any hereditaments (except tithes or payment in lieu of tithes) which are charged according to rule No. 2. in section sixty of the Income Tax Act, but shall include tithes and payments in lieu of tithes and every hereditament in their parish in respect of which any person may be liable to any rate or tax for the purpose of which the valuation list is by this Act made conclusive.

Gross value not to be less than the rent with certain exceptions.

48. In calculating the gross value for the purposes of this Act the annual rent which a tenant might reasonably be expected to pay shall not be less than the actual rent: provided that—

(1.) Proper deductions shall nevertheless be made in such calculation where the landlord undertakes to pay any tenant's rates or taxes, or any tithe commutation rentcharge.

(2.) Proper deductions shall nevertheless be made in such calculation where the rent paid for a house and premises includes any sum for the use of furniture, gas, water, servants, or matters other than the use of the house unfurnished.

(3.) The gross value of a house,

(*a.*) if occupied by one occupier paying rent weekly, shall be estimated according to the rent which a tenant would give if he took the house as a yearly tenant;

(*b.*) if let out in separate apartments or lodgings to occupiers paying rent weekly, shall be estimated according to the rent which a tenant would give who would underlet to such occupiers;

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but the gross value so estimated shall not be less than *eighty per cent.* of the aggregate rents which would be payable by such weekly occupiers if they continued in occupation during every week in the twelve months.

Deductions for rateable value.

49. The per-centage or rate of deductions to be made from the gross value in calculating the rateable value for the purposes of this Act shall be such as may be prescribed in the table made by the valuation board, but shall not exceed the amounts in the fifth schedule to this Act.

Provided that where it can be shown by a tenant having a lease of a house that the house has, by circumstances beyond the control of himself or of the owner, become depreciated in value since he took the lease, there may be made in respect of such depreciation a reasonable deduction exceeding the rate prescribed by such table or schedule.

Value of tithe rentcharge may be calculated on three years average.

50. In calculating for the purposes of this Act the gross value of any tithe commutation rentcharge the average amount which (according to the septennial averages of the price of corn) has been payable in respect of such rentcharge during the thirty-six months ending on the twenty-fifth of December next before the time at which the valuation list is made shall be adopted; and the gross value so calculated, and the rateable value deduced therefrom, shall remain unaltered until the next new valuation list is made; and the overseers shall not insert such rentcharge in a supplemental list on account of any variation in its value, whether arising from the variation of the septennial average of the price of corn or otherwise.

Deductions to be made to ascertain gross and rateable value of tithe rentcharge.

51. In calculating the gross value of a tithe rentcharge there shall be deducted from the total of the average annual amount of such rentcharge all tenants rates and taxes, tenths, first fruits, synodals, and other ecclesiastical dues, payable in respect of such tithe rentcharge, and the cost of the repairs of a chancel, if the rentcharge is liable to bear the cost of such repairs.

In determining the rateable value of a tithe rentcharge there shall be deducted from the gross value, calculated as aforesaid, the amount of the costs of collection.

The amount of the deductions to be made as aforesaid for the purpose of calculating the gross value and rateable value of a tithe rentcharge shall be determined by the average amount payable in respect of each item during the period taken for ascertaining the average amount of the rentcharge.

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Amount of gross value specified by the surveyor of taxes to be inserted, unless disproved.

52. When a surveyor of taxes gives notice of objection or of appeal, the amount specified in the notice as being in his judgment the gross value of any hereditament referred to in the notice shall be inserted in the valuation list by the assessment committee, or judge on appeal, unless it is proved to the satisfaction of the assessment committee or judge that such amount ought not to be so inserted.

Saving of existing exemptions from rates and exceptional principles of valuation.

53. Nothing contained in the Assessment Acts shall affect any exemption or deduction from or allowance out of any rate or tax whatever, or any privilege of or provision for being rated or taxed on any exceptional principle of valuation.

Returns.

Occupier to make returns triennially. 5 & 6 Vict. c. 35. ss. 48, 52.

54. In the first year after the passing of this Act, and in every subsequent year in which a new valuation list is made, or in the month of March preceding any such year, every person who is liable to be charged with any rate or tax in respect of which the valuation list is made conclusive shall, when required, make to the overseers of his parish such statement or return as a person chargeable under the Income Tax Act and the Acts amending the same is bound to make.

Surveyor of taxes to supply notices and forms for returns to overseers, who are to serve them.

55. For the purpose of securing the proper making of such returns, every surveyor of taxes shall in the month of *February* preceding send to the overseers of each parish in his district a sufficient number of printed forms and notices, and the overseers, within a month after the receipt thereof, shall serve a notice and form on every person in their parish required by this Act to make a return; and every person required by this Act to make a return shall make it within *twenty-one days* after the service of a notice and form on him.

The forms and notices shall be such as are prescribed by the Income Tax Act or the Acts amending the same, or as the commissioners of Her Majesty's Treasury may from time to time prescribe, and any such form duly filled up and signed shall be deemed to be a sufficient return.

The return shall be delivered to the overseers of each parish, and together with the valuation list shall be sent by them to the surveyor of taxes, and by the surveyor of taxes to the assessment committee with the valuation list.

Any surveyor of taxes may at any reasonable time, without fee or charge, inspect or takes copies of or extracts from any returns

obtained under this Act, whether they are in the possession of the overseers or of the assessment committee.

Assessment committee may require returns from owner and occupier. 17 & 18 Vict. c. 91. s. 7. (as to Scotland). 5 & 6 Vict. c. 35. ss. 66, 67.

56. An assessment committee may, by order, require any person who is the owner or occupier or reputed owner or occuper of any hereditament in their union to send them a return in writing of all or any of the following things; viz., of the rent receivable or payable by him (as the case may be) for such hereditament, and of the person entitled to any tithe rentcharge charged on such hereditament, and of the amount of the same, and of the several persons by whom any tithe rentcharge is paid to him, and of the amounts paid by each such person, and of any other particulars respecting such hereditament as are required for the due execution of the Assessment Acts. And every such owner or occupier shall obey such order within *fourteen* days after the service thereof on him.

Penalty for no or false returns.

57. If any person wilfully refuses or neglects to make any return lawfully required under this Act within the times respectively limited by this Act in that behalf, he shall be liable on summary conviction to a penalty not exceeding *five pounds*.

Supplemental Provisions.

Provision for cases where there are guardians but no assessment committee.

58. Where in any union of parishes under the Act of the twenty-third year of the reign of his late Majesty George the Third, chapter eighty-three, or any local Act, or in any parish which is not included in any union of parishes, there is, at the time of the passing of this Act, a board of guardians or body of persons exercising the functions of guardians, but no assessment committee, then the board of guardians or other body of persons in such union or parish shall, between the *fifteenth* and *twenty-ninth of April* in the first year after the passing of this Act, and every subsequent year, hold a meeting and appoint an assessment committee (not exceeding in number one-third of the guardians) in the same manner, as near as may be, as if the parish were a union within the meaning of the principal Act.

The Poor Law Board may issue regulations for the purpose of rendering the provisions of the Act under which such board of guardians or body of persons are acting conformable to the regulations of the Assessments Acts, and for determining the number of the assessment committee.

An assessment committee shall be elected under this section within six weeks after the passing of this Act, and shall proceed forthwith to elect a member for the valuation board.

Provision for case of Oxford Union.

59. (1.) In the Oxford union one half of the members of the assessment committee shall be elected out of the guardians

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for the city and the guardians for the parishes, and one half out of the guardians for the university and its colleges and halls (including Christ Church).

(2.) In the case of the Oxford union the provisions of the Assessment Acts with respect to ex-officio guardians being members of the assessment committee, and with respect to a justice of the peace being elected a member of the valuation board, shall not apply.

(3.) The convocation of the university of Oxford may elect out of their own body one member to serve on the valuation board for the county of Oxford.

(4.) In construing the Assessment Acts for the purposes of the Oxford union the university and those colleges and halls (including Christ Church) which are comprised in the Oxford union shall be deemed to be a parish, and the vice-chancellor for the time being of the university of Oxford shall be deemed to be the overseer of such parish, and the consent of the vestry shall be construed to mean the consent of such of the guardians for the time being for such parish as are present at a meeting summoned by the vice-chancellor for the purpose, and vote on the question.

(5.) For the purpose of defraying any expenses of the Assessment Acts authorized to be defrayed out of the poor rate, the vice-chancellor shall have power to levy a rate or any increase of a rate in the same manner as he is authorized to do for the purpose of raising money for the relief of the poor.

(6.) Subject as aforesaid, the Poor Law Board may issue regulations for the purpose of rendering the provisions of the Act under which the board of guardians of the Oxford union are acting conformable to the regulations of the Assessment Acts.

Provision for cases where no guardians and where no overseers.

60. With respect to any parish which is not included in any union of parishes, and in which there is no board of guardians, or body of persons exercising the functions of guardians, the following provisions shall have effect:

(1.) The assessment committee of the adjoining union in the same county shall act as the assessment committee of that parish, and where there is more than one such adjoining union the Poor Law Board shall determine the assessment committee which is to act for such parish.

(2.) Every such parish shall, for the purposes of the Assessment Acts, but not for any other purpose, be deemed to be within the union of the assessment committee which acts for it.

(3.) Where there are no overseers the assessment committee shall appoint some person to perform the duties of the overseers under the Assessment Acts, and may award him such remuneration as they think fit; and the person so appointed shall perform such duties, and shall for that purpose have all the powers of overseers.

(4.) A proportionate share of the expenses of the assessment committee under the Assessment Acts, and any remuneration paid to or expenses incurred by the person appointed by them under this or any other section to make a valuation list, shall be charged on such parish, and the sums so charged shall be paid by the overseers out of the poor rate, and if there is no poor rate shall be paid out of a rate in the nature of a poor rate to be levied by the person who makes the valuation list.

Borough, union, and parish in more than one county.

61. Where a borough is situate in more than one county, as defined by this Act, every union of which any part is situate in that borough shall, for the purpose of this Act, be deemed to be in the county in which at the time of the passing of this Act the largest part of such borough in value is situate.

Where a union or parish is in more than one county, as defined by this Act, it shall, for the purpose of this Act, be deemed to be in the county in which at the time of the passing of this Act the largest part in value is situate.

For the purpose of deciding the question of value under this section, the rateable value stated in the poor rate assessment in force at the time of the passing of this Act shall be conclusive.

Miscellaneous.

Overseers may, with consent of vestry, have paid assistance in making valuation list.

62. Where there is no assistant overseer or other paid officer whose duty it is to assist the overseers, the overseers may, with the consent of the vestry, appoint some person to assist them in making a valuation list, and may give him such remuneration as they think fit, not exceeding the amount consented to by the vestry, and may pay such remuneration out of the poor rate.

Assessment committee and over-

63. Every assessment committee, with the consent of the guardians, and every overseer, with the consent of the vestry of his

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Overseers may give security for costs of valuation.

parish, may, for the purposes of any application for a valuation on any appeal, give security for paying the costs of such valuation. An assessment committee may give such security, and may appear on any appeal by their clerk, and shall indemnify the said clerk against all moneys, losses, and costs paid or incurred by him in consequence of such security or appearance.

Use of public room for appeals, &c.

64. Any room maintained out of the proceeds of any rate levied wholly or partly in any county may (with the consent of the person or body corporate having the control of it) be used for the meetings of the valuation board or for hearing appeals, and for other purposes of this Act.

Evidence of valuation list, &c.

65. A valuation list may be proved by the production of a duplicate or copy of such list purporting to be certified to be a duplicate or a true copy by the clerk of the assessment committee that approved it, and such certificate shall state that the alterations (if any) made in the list in conseqnence of the decision on any appeal under this Act have been correctly made in the duplicate or copy so produced. A provisional list may be proved by the production of a duplicate or copy thereof purporting to be certified to be a true copy by the clerk of the committee who signed it.

Service of notices, &c. by post, &c.

66. All orders and notices under the Assessment Acts shall be in writing or print, or partly in writing and partly in print, and if made or given by the valuation board or an assessment committee shall be sufficiently authenticated if signed by their clerk; and all orders, notices, and documents required by the same Acts to be served on or sent to any person or body of persons corporate or unincorporate may be either delivered to such person or the clerk of such body, or left at the usual place of abode of such person or clerk, or at the office of such clerk or body, or (if such abode or office cannot on reasonable inquiry be discovered) at the premises to which the order, notice, or document related.

They may also be served and sent by post, by a prepaid letter, addressed to such person, or to the office of such body or their clerk, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Publication of notices by overseers.

25 & 26 Vict. c. 103. s. 19.

67. Any notice required by this Act to be published by the overseers shall, on the Sunday next following the receipt of such notice, or the document to which the notice refers, and the two fol-

lowing Sundays, be published by them in the manner in which notice of a rate allowed by justices is required to be published. A.D. 1869.

Inspection of documents deposited with rate books.

68. Where any documents are required by this Act to be deposited in the same place in a parish in which rate books are kept, every ratepayer shall be at liberty to inspect and take copies of or extracts from such documents at any reasonable time, without fee or charge.

Valuation lists to be equivalent to rate books of parish.

69. The duplicate of the valuation list, approved by the assessment committee, and sent to the overseers, as directed by this Act, the notices of alterations made on any appeal under this Act, and any provisional list, shall for all purposes be deemed to be part of the rate books of the parish, and shall be produced by the overseers before the justices upon any application for allowance of rates and on any appeal under this or any other Act.

Ratepayer, &c. may inspect documents, &c. of valuation board or assessment committee.

70. Any ratepayer, overseer, or surveyor of taxes in the county may, at all reasonable times, without payment, inspect and take copies of and extracts from all valuation lists and documents which in pursuance of this Act are under the control of the clerk of the valuation board.

Any surveyor of taxes and any overseer in a union, without fee or charge, and any ratepayer in a union on payment of a fee not exceeding one shilling (to be carried to the common fund), may at any reasonable time inspect and take copies of and extracts from any valuation lists, notices of objection, returns, and other documents in the possession or under the control of the assessment committee of that union.

Any person who hinders a ratepayer, overseer, or surveyor of taxes from so inspecting or taking copies of or extracts from any valuation list or document, or demands where not authorized by this Act a fee for allowing him so to do, shall be liable on summary conviction to a penalty not exceeding *five* pounds for each offence.

Form of rate and declaration.

25 & 26 Vict. c. 10. s. 128. 27 & 28 Vict. c. 39. s. 11.

71. Every poor rate made after the *fifth of April one thousand eight hundred and seventy-one* shall contain the particulars specified in the sixth schedule to this Act, and the overseers shall sign the form of declaration which is given in that schedule before the rate is allowed by the justices. And the justices shall not allow any rate at the foot of which the said declaration has not been added and signed.

Any overseer who wilfully omits to make the said declaration or makes the same falsely shall be liable on summary conviction to a penalty not exceeding *five* pounds.

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Amendment of 25 & 26 Vict. c. 103. s. 11.

72. The entry of the proceedings of the assessment committee at any meeting, and of the names of the members who attend that meeting, may be signed by the chairman of the next meeting of the committee, and every entry and minute purporting to be so signed shall be received in evidence in the same manner as if such entry or minute had been signed by the chairman of the meeting at which the proceedings took place, and the members were present.

Boundary of counties for purposes of Act.

73. Any dispute which arises under this Act respecting the boundary between two or more counties as defined by this Act shall be settled by the Poor Law Board.

Nothing in this Act contained, nor any proceedings under the same, shall extend or be construed to extend to determine any question of boundary for any purpose except for the purpose of this Act.

Act not to prevent composition for rates.

74. Nothing in the Assessment Acts contained shall be construed to prevent the owners of tenements from compounding for the rates to be assessed on the same in such manner as they might have done if this Act had not passed.

Saving of powers to value property not included in a valuation list.

75. Nothing in this Act shall in any way alter or affect the mode of valuing or taxing any hereditament which is not included in any valuation list, or which is chargeable according to the profits and not according to the gross value, or the mode of charging the occupiers of land subject to a tithe rentcharge in respect of such tithe rentcharge.

Separate assessment of houses for purposes of house duty and income tax under Schedule B. (5 & 6 Vict. c. 35.) and Licensing Acts.

76. Where for the purposes of the Acts relating to the duty on inhabited houses, or to the duties charged under schedule B. of the Income Tax Act, or to the sale of exciseable liquors, it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list, the value of such hereditament shall be ascertained in the same manner as if this Act had not passed.

Repeal of Acts.

Repeal of Acts.

77. The Acts and parts of Acts specified in the fifth schedule to this Act, and so much of any other Acts, whether public or local and personal, as authorizes any valuation of hereditaments to be made for the purposes of any rate or tax in respect of which the valuation list is by this Act made conclusive, are hereby repealed,

so far as they relate to the part of England to which this Act extends: Provided—

1. That the provisions of the Acts so repealed shall remain in force until the provision or provisions substituted for them by this Act shall respectively come into operation:
2. That this repeal shall not affect the validity or invalidity of anything done or suffered under any of the said provisions while they remain in force, or any right or title acquired or accrued under any of the said provisions while they remain in force, or any remedy or proceeding in respect thereof.

SCHEDULES.

FIRST SCHEDULE.

Date of Act.	Short title used in this Act.
5 & 6 Vict. c. 35.	The Income Tax Act.
14 & 15 Vict. c. 36.	The House Tax Act.
15 & 16 Vict. c. 81.	The County Rate Act.

SECOND SCHEDULE.

Regulations for Election of Valuation Board.

The following regulations shall be observed in each union in a county with respect to the election of members to serve on the valuation board of that county.

(1.) The clerk of the assessment committee shall summon the meeting for the purpose of every such election at such time as is required by this Act, and shall give to each member of such committee notice of the object of such meeting:

(2.) The summons shall be issued not less than fourteen days before the day of the meeting:

(3.) Subject to any directions given in this Act, the votes shall be taken, and the election in every respect conducted, in such manner as may be directed by the assessment committee:

(4.) A declaration by the chairman of the meeting that a person is duly elected a member of the valuation board shall be conclusive evidence of the fact, unless a poll be demanded; and if a poll is had the declaration by the chairman of the result of such poll shall be conclusive evidence of the fact.

(5.) If no quorum is present at a meeting summoned for an election the meeting shall stand adjourned to the same day in the ensuing week, notwithstanding such day is after the time limited by this Act for the meeting for the election, and the clerk shall give to each member of the committee notice of such adjourned meeting.

(6.) If no quorum is present at the adjourned meeting, or if from any other reason no election is made, the valuation board shall be fully constituted without such member or members from the assessment committee who have so failed to make an election.

(7.) Notice of the election of a person to be a member of the valuation board shall be sent to that person by the clerk of the body that elects him. Such notice shall be accompanied by a summons to attend the first or then next meeting of the valuation board.

(8.) Where two members are to be elected the assessment committee shall elect each by a separate election.

(9.) The election of a member by a town council shall take place between the first and twentieth days of October in the year of election, and shall be conducted in the manner in which elections by the town council are ordinarily conducted, and it shall be the duty of the mayor or other person whose duty it ordinarily is to summon meetings of the town council to summon a meeting for the purpose of such election.

(10.) If at any time one of the two members elected by an assessment committee is not a justice of the peace when that should be the case under the provisions of this Act then the election of the member last elected shall be ipso facto void.

(11.) If a member of the valuation board,—

Is adjudged bankrupt, or

Ceases to be a member of the assessment committee,

Such person shall cease to be a member of the valuation board, and his office shall thereupon be vacant.

(12.) The clerk of the valuation board, as soon as possible after any vacancy occurs in the members of the board, shall give notice in writing of such vacancy to the assessment committee or the town council, as the case may be, represented by the member who creates the vacancy.

(13.) If any election is void, or if any casual vacancy in office occurs by death, disqualification, or otherwise, the clerk

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of the assessment committee which elected the member whose office is so vacated shall forthwith summon a meeting of that committee for the purpose of electing some person to fill up the vacancy; and the same proceedings, as near as may be, shall be had in such election as are herein directed with respect to the first election. A meeting of the town council for the purpose of filling up any casual vacancy may be held in such manner as the council from time to time appoint.

(14.) If, in consequence of the refusal of the persons constituting the assessment committee to serve as members of the valuation board, it is impossible to elect one or both members, or to elect a justice of the peace (where the election of a justice of the peace is imperative), it shall be lawful to elect a member or members, as the case may require, from among the other guardians.

(15.) Members shall hold office for three years only, but shall be re-eligible.

(16.) Members elected to fill a casual vacancy shall hold office so long only as the members whose office is vacated would have held it.

THIRD SCHEDULE.

Proceedings of Valuation Boards.

(1.) The board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board, as they think fit, subject to the following conditions:

(*a.*) The quorum to be fixed by the board shall consist of not less than three members.

(*b.*) All questions shall be decided by a majority of votes of the members present and voting on that question.

(*c.*) The names of the members present, as well as of those voting upon each question, shall be recorded.

(2.) The board shall at their first meeting, after each appointment of the board, appoint one of their members to be

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chairman and one other of their members to be vice-chairman.

(3.) If any casual vacancy occur in the office of chairman or vice-chairman, the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose some member of their number to fill such vacancy.

(4.) If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting.

(5.) In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

(6.) The table of deductions and the orders of the board shall be deemed to be duly authenticated if signed by the chairman and two or more members of the board authorized to sign them by a resolution of the board, and countersigned by the clerk of the board; and in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing the same were authorized to sign them.

(7.) The appointment of the clerk of the valuation board, if made by the board, may be made by a minute of the board, signed by the chairman, and any appointment so made shall be as valid as if it were made under the seal of the board.

Proceedings of Committees of Valuation Boards.

A committee may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. A committee may meet and adjourn as it thinks proper. The quorum of a committee shall consist of such number of members as may be prescribed by the board that appointed it, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present, and voting on that question; and in case of an equal division of votes the chairman shall have a second or casting vote.

FOURTH SCHEDULE.

Part I.

Valuation List for [*the parish or place for which the list is made*] in the Union of [*or* not being in union] in the County [*or* riding, &c.] of .

Number.	Name of Occupier.	Name of Owner.	Description of Property.	No. of Class.	Name or Situation of Property.	Extent.	Gross Value.	Rate of Deduction per cent.	Rateable Value.	Gross Value of House and Premises liable to House Duty.	—

Signed this day of

A.B., *C.D.* } Overseers of the poor of the parish aforesaid.

We do hereby approve the above valuation list, and certify that in determining the rateable value of the above hereditaments, the provisions of the Valuation Act, 1869, have been duly complied with.

Signed this day of

E.F., *G.H.*, *I.J.* } Members of the assessment committee of the union.

Part II.

Form of Certificate, where no Supplemental List is sent.

We, the overseers of the parish of do hereby certify that no alteration has taken place in the matters stated in the valuation list of this parish which renders a supplementary list necessary.

A.B., *C.D.* } Overseers of the parish of

FIFTH SCHEDULE,

Showing the several Classes into which the Hereditaments inserted in a Valuation List under this Act are to be divided.

	Maximum rate of deductions.
	Per cent.
Class 1. Land with farmhouse or farm buildings, or either	10
„ 2. Land without buildings	5
„ 3. Woodlands	$7\frac{1}{2}$
„ 4. Houses and buildings without land other than gardens, where the gross value is under 8*l.*	25
„ 5. Houses and buildings without land other than gardens, where the gross value is 8*l.* or upwards	15
„ 6. Mills and manufactories (including blast and smelting furnaces and kilns)	$33\frac{1}{3}$
„ 7. Brickyards	—
„ 8. Mines and quarries	$33\frac{1}{3}$
„ 9. Tithes, tithe commutation rentcharge, and other payments in lieu of tithe	Deductions in respect to this class to be made in conformity with section 51.
„ 10. Railways, canals, docks, tolls, waterworks, gasworks	—
„ 11. Rateable hereditaments not included in any of the foregoing classes	

Notes.

Any of the above classes may be subdivided if the valuation board consider it expedient that such subdivision should be made.

Farms may be assessed either as farmhouses or buildings with land under Class 1, or the land may be assessed separately from the houses and buildings under Class 2, and the houses or buildings separately from the land under Class 4 or Class 5.

Where a house and premises liable to the inhabited house duty are assessed together with other property in any class, a separate valuation of such house and premises must be made in addition to the general valuation of the whole property.

The maximum rate of deductions in any class may be exceeded in cases where it is insufficient to include extraordinary expenditure which is required to maintain banks or embankments for the protection of land or buildings against the encroachment of water.

SIXTH SCHEDULE.

Form of Rate.

Rate for the Relief of the Poor of the Parish of in the Union, and for other purposes chargeable thereon, according to law, made this day of in the year of our Lord 18 , after the rate of in the pound.

No.	Name of occupier.	Name of owner.	Description of property rated.	Name or situation of property.	Rateable value.	Rate at in the pound.	Amount of rate assessed upon and payable by the owner instead of the occupier, by virtue of the statute or statutes in that behalf.

Declaration to be added to the Rate.

We, the undersigned, do hereby declare that one of us, or some person on our behalf, has examined and compared the several particulars in the respective columns of the above rate with the valuation list made under the authority of the Valuation Act, 1869, and now in force in this parish (*or* township), and the several hereditaments are, to the best of our belief, rated according to the value appearing in such valuation list.

_____ } Churchwardens.

_____ } Overseers.

SEVENTH SCHEDULE.

43 Geo. 3. c. 161. in part.	An Act for repealing the several duties under the management of the commissioners for the affairs of taxes, and granting new duties in lieu thereof; for granting new duties in certain cases therein mentioned; for repealing the duties of excise on licences, and on carriages constructed by coach-makers, and granting new duties thereon under the management of the said commissioners for the affairs of taxes, and also new duties on persons selling carriages by auction or on commission -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
48 Geo. 3. c. 55. in part.	An Act for repealing the duties of assessed taxes, and granting new duties in lieu thereof and certain additional duties to be consolidated therewith; and also for repealing the stamp duties on game certificates, and granting new duties in lieu thereof, to be placed under the management of the commissioners for the affairs of taxes - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
57 Geo. 3. c. 25. in part.	An Act to explain and amend an Act made in the forty-eighth year of his present Majesty for repealing the duties of assessed taxes, and granting new duties in lieu thereof; and to exempt such dwelling houses as may be employed for the sole purpose of trade, or of lodging goods, wares, or merchandise, from the duties charged by the said Act - - - - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
6 & 7 W. 4. c. 96. in part.	An Act to regulate parochial assessments - -	in part, namely,—
	Sections one, two, six, seven, and nine.	
5 & 6 Vict. c. 35. in part.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices until the sixth day of April one thousand eight hundred and forty-five (in this Act called the Income Tax Act) - - - - -	in part, namely,—
	Section sixty. No. I. No. II. par. 1, 3. No. IV. par. 2, 4. No. V. (so far as respects the deductions allowed by this Act.)	
	Section sixty-three. No. X. par. 1, 2, 3, 4.	
	Sections sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-eight, eighty-one, eighty-two, eighty-seven, and any other part which relates to the ascertaining of the value of lands, tenements, and hereditaments with respect to the value of which the valuation list is made conclusive.	

10 & 11 Vict. c. 34. in part.	The Towns Improvement Clauses Act, 1847 - -	in part, namely,—
	Sections one hundred and seventy-six, one hundred and seventy-seven, and every other part which relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive. And so much of any other Act as incorporates those sections and such other part.	
14 & 15 Vict. c. 36. in part.	An Act to repeal the duties payable on dwelling houses according to the number of windows or lights, and to grant in lieu thereof other duties on inhabited houses according to their annual value (in this Act called the House Tax Act) - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
15 & 16 Vict. c. 81. in part.	An Act to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales (in this Act called the County Rate Act) - - - - -	in part, namely,—
	Sections one to twenty, both inclusive, so much of section twenty-six as relates to the sending of printed lists, and sections forty to forty-three, both inclusive.	
16 & 17 Vict. c. 34. in part.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices - - - - - -	in part, namely,—
	Sections thirty-two and forty-seven, and so much of the rest of the Act as relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive.	
21 & 22 Vict. c. 33. in part.	An Act for the better management of county rates -	in part, namely,—
	Section one.	
21 & 22 Vict. c. 98. in part.	An Act to amend the Public Health Act, 1848, and to make further provision for the local government of towns and populous districts - - -	in part, namely,—
	Section fifty-six from "If there is no such assessment," to end of section.	
25 & 26 Vict. c. 103. in part.	The Union Assessment Committee Act, 1862 - -	in part, namely,—
	Sections three, fourteen, fifteen, the following words in section seventeen, "and a copy of such valuation list shall be forthwith delivered to the board of guardians," sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, section twenty-eight down to "schedule hereunto annexed," sections twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-nine, forty-one, forty-two, forty-three, and forty-five.	

27 & 28 Vict. c. 39. in part.	The Union Assessment Committee Amendment Act, 1864 - - - - - - Sections one, nine and eleven.	in part, namely,—
29 & 30 Vict. c. 64. in part.	An Act to amend the laws relating to the Inland Revenue - - - - - Section seventeen, so far as it relates to the value of property.	in part, namely,—
29 & 30 Vict. c. 78.	The County Rate Act, 1866.	

Valuation of Property.

A

B I L L

To provide for a common basis of value for the purposes of government and local taxation, and to promote Uniformity in the Assessment of Rateable Property in England.

(*Prepared and brought in by Mr. Goschen, Mr. Arthur Peel, and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed*, 22 *February* 1869.

[Bill 11.]

Under 6 *ozs.*

Valuation of Property (Metropolis) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Act to be construed as one with 25 & 26 Vict. c. 103. and 27 & 28 Vict. c. 39.
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3. Extent of Act.
4. Definitions.

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5. Valuation board for fixing scale of deductions.
6. Constitution of valuation board.
7. Clerk of board.
8. Valuation board to draw up table for determining rateable value.
9. Table to be conclusive.
10. Table to be sent to assessment committee and overseers.
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12. Election of assessment committee in single parish where there are guardians.

Making of Valuation Lists.

13. Making of valuation lists.
14. Valuation lists to be dealt with under provisions of 25 & 26 Vict. c. 103. ss. 17 to 21.
15. Overseers to send duplicate to surveyor of taxes.
16. Notice to state time and mode of objection.
17. Grounds on which persons may object before assessment committee.
18. Surveyor of taxes may inspect, copy, and object to valuation list, returns, and other documents.

Clause.
19. If overseers do not transmit list, committee to appoint person to do so.
20. Valuation list to be revised, certified, and sent to overseers, &c.
21. Duplicate of list to be deposited in each parish.
22. Valuation list to be deposited at office of the managers of metropolitan asylum district.
23. Printing and distribution of totals of gross and rateable value in valuation list.

Appeals.

24. Places for hearing appeals.
25. Appointment of commissioners to hear appeals.
26. Public notice of times of holding courts to be given.
27. Adjournment of court.
28. Summons and examination of witnesses.
29. Power to remove persons from court who interrupt proceedings.
30. Persons entitled to appeal.
31. Notice of appeal to be given.
32. Commissioner to hear and determine appeals, and alter list accordingly.
33. Making of valuation list where none approved.
34. Commissioner may, on application of party to appeal, order valuation.
35. Adjournment to receive valuation list or valuation.
36. Valuation to be in writing, person making it to have power to enter.
37. Costs of appeal.
38. Appeal by a special case from decision of commissioner on point of law.
39. Notice of alteration of list to be sent to overseers.

Times for Proceedings.

40. Times within which proceedings in making valuation list are to be done.

Effect of Valuation List.

41. Valuation list to last for three years.

Clause.

42. Rate to be levied notwithstanding appeal.
43. Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications.

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44. Mode of revising valuation list.
45. Provision for valuing a house built between the times at which the valuation list is made.

Expenses.

46. Costs of appeal, &c.
47. Inland revenue may make allowances for expenses of Act.
48. Expenses of managers of metropolitan asylum district.

Rules for formation of Valuation List.

49. Form and contents of valuation list.
50. Gross value not to be less than rent with certain exceptions.
51. Deductions for rateable value.
52. Value of tithe rentcharge may be calculated on three years average.
53. Deductions to be made to ascertain gross and rateable value of tithe rentcharge.
54. Amount of gross value specified by the surveyor of taxes to be inserted, unless disproved.
55. Saving of exemptions and exceptional principles of valuation.

Returns.

56. Occupiers to make returns triennially.
57. Clerk of assessment committee to supply notices and forms for returns to overseers, who are to serve them.
58. Assessment committee may require returns from owner and occupier.
59. Penalty for no or false returns.

Miscellaneous.

60. Provision for cases where no guardians and where no overseers.
61. Assessment committee and overseers may give security for costs of valuation.

Clause.
62. Use of public room for appeals, &c.
63. Evidence of valuation list, &c.
64. Service of notices, &c. by post, &c.
65. Publication of notices by overseers.
66. Inspection, &c. of documents deposited with rate books.
67. Valuation lists to be equivalent to rate books of parish.
68. Ratepayer, &c. may inspect documents in hands of clerk of managers or assessment committee.
69. Form of rate and declaration. 25 & 26 Vict. c. 103. s. 128., 27 & 28 Vict. c. 39. s. 11.
70. Amendment of 25 & 26 Vict. c. 103. s. 11.
71. Saving of powers to value property not included in a valuation list.
72. Separate assessment of houses for purposes of house duty and income tax under Schedule B. (5 & 6 Vict. c. 35.) and Licensing Acts.

Repeal of Acts.

73. Repeal of Acts.

SCHEDULES.

A

B I L L

TO

Provide for Uniformity in the Assessment of Rateable Property in the Metropolis. A.D. 1869.

WHEREAS it is expedient to provide for a common basis of value for the purposes of government and local taxation, and to promote uniformity in the assessment of rateable property in the metropolis:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Act to be construed as one with 25 & 26 Vict. c. 103. and 27 & 28 Vict. c. 39.

1. The Union Assessment Committee Act, 1862, is in this Act referred to as "the principal Act;" and the principal Act, and the Union Assessment Committee Act, 1864, (amending the same,) shall for the purposes of this Act, and so far as is consistent with the tenor thereof, be incorporated with this Act; and the expression "this Act" in the principal Act, and any expression referring to the principal Act which occurs in the Act amending the same, or in any other document, shall, as regards places to which this Act extends, be construed to mean the principal Act as incorporated with this Act.

Short title.

2. This Act (including the Acts incorporated therewith) may be cited as The Valuation (Metropolis) Act, 1869.

Extent of Act. 18 & 19 Vict. c. 120.

3. This Act shall extend only to unions and parishes not in union, which are for the time being either wholly or for the greater part in value thereof respectively situate within the jurisdiction of the Metropolitan Board of Works appointed under The Metropolis Management Act, 1855.

Definitions.

4. In this Act, unless the context otherwise requires,—

"Metropolis."

The term "metropolis" means the unions, and parishes, to which this Act extends:

"Parish."

The term "parish" means any place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

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"Union." The term "union" means any union of parishes, and any parish for which there is a separate assessment committee under this Act and the Acts incorporated therewith:

"Ratepayer." The term "ratepayer" means every person who is liable directly or indirectly to any rate or tax in respect of property entered in any valuation list:

"Year." The term "year," means the twelve months commencing with the sixth of April and ending with the succeeding fifth of April; and words referring to a year refer to the same period:

"Surveyor of taxes." The term "surveyor of taxes" means any surveyor of taxes, inspector of taxes, or other officer appointed or to be appointed by the Commissioners either of Inland Revenue or of Her Majesty's Treasury for the purposes of any tax in respect of which a valuation list is by this Act made conclusive:

"Overseers." The term "overseers" includes any person or body of persons performing the duties of overseers so far as regards the assessment, making, and collection of rates for the relief of the poor:

"Hereditament." The term "hereditament" means any lands, tenements, hereditaments, and property which are liable to any rate or tax in respect of which the valuation list is by this Act made conclusive:

"Gross value." The term "gross value" means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rent-charge, if any, and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent:

"Rateable value." The term "rateable value" means the gross value after deducting therefrom the probable annual average cost of the repairs, insurance, and other expenses as aforesaid.

The Acts specified in the first schedule to this Act are in this Act referred to by the short title placed opposite to them in that schedule.

Valuation Board.

Valuation board for fixing scale of deductions.

5. A valuation board shall be established in the metropolis for the purpose of determining the per-centage or rate of deductions to be made from the gross value in calculating the rateable value of hereditaments.

Constitution of valuation board.

6. With respect to the constitution of the valuation board the following provisions shall have effect; (that is to say,)

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(1.) The board shall be elected under the provisions of this Act in *October* in the year one thousand eight hundred and sixty-nine, and in every year preceding the year in which a new valuation list is made, consisting of representatives of the assessment committees of the metropolis, of whom one shall be elected by each assessment committee out of their own body:

(2.) The election of the members of such board and their proceedings shall be conducted in such manner and according to such regulations as the Poor Law Board may from time to time prescribe:

(3.) No act or proceeding of the board shall be questioned on account of any vacancy or vacancies in their body:

(4.) No defect in the qualification or election of any person or persons acting as member or members of the board shall be deemed to vitiate any proceedings of such board in which he or they have taken part in cases where the majority of members parties to such proceedings are duly entitled to act:

(5.) Any minute made of proceedings at meetings of the board if purporting to be signed by the chairman of the meeting at which such proceedings took place, or by the chairman of the next ensuing meeting, shall be receivable in evidence in all legal proceedings without further proof; and until the contrary is proved every meeting of the board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

Clerk of board.

7. The clerk for the time being of the managers of the metropolitan asylum district shall be the clerk of the valuation board, and shall perform such duties as the board (with the approval of the Poor Law Board) may prescribe.

Valuation board to draw up table for determining rateable value.

8. The valuation board within five months after their election may subdivide the classes of hereditaments specified in the third schedule to this Act, and shall draw up a table showing in the case of each class and each subdivision (if any) the per-centage or rate of deductions to be made from the gross value, in order to determine the rateable value of the hereditaments comprised in such class or subdivision, but every such per-centage or rate shall be within the limits specified in the said schedule.

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Table to be conclusive.

9. The table during the term next ensuing that in which it is drawn up may be removed by writ of certiorari into any of Her Majesty's superior courts at Westminster, but shall not be questioned in any appeal under this Act, and shall be binding on all assessment committees and overseers in the metropolis.

Table to be sent to assessment committee and overseers.

10. The table shall be printed, and the clerk of the Board shall send printed copies thereof to the assessment committee of every union, and the overseers of every parish in the metropolis; and the production of such a printed copy shall in any legal proceeding be sufficient evidence of the table.

Power of board to call for returns from or to summon overseers, &c.

11. The valuation board shall, with respect to returns, copies of documents, production of documents, and attendance and examination of certain officers, have the same powers as are conferred on the assessment committee by the thirteenth section of the principal Act; and in construing that section the clerk of an assessment committee shall be deemed to be a person having the custody of books of assessment and the valuation of a parish, and any such power shall be exercised by an order of the board, and the fortieth section of the principal Act shall apply to persons refusing to obey any such order, and the word "committee" in that section shall be construed to include the valuation board.

If any person wilfully make or give any false return, copy, extract, or information required by an order under this section, he shall be liable on summary conviction to a penalty not exceeding five pounds.

Assessment Committee.

Election of assessment committee in single parish where there are guardians.

12. Where there is, at the time of the passing of this Act, in any parish which is not included in any union of parishes a board of guardians but no assessment committee, then the guardians of such parish shall, between the *fifteenth and twenty-ninth of April* in every year, hold a meeting and appoint an assessment committee, (not exceeding in number one third of the number of guardians,) in the same manner, as near as may be, as if the parish were a union within the meaning of the principal Act.

An assessment committee shall be elected under this section within six weeks after the passing of this Act, and shall proceed forthwith to elect a member for the valuation board for settling the rate of deductions.

Making of Valuation Lists.

Making of valuation lists.

13. The overseers of every parish to which this Act extends, within the time in this Act mentioned, shall make and sign a

valuation list of their parish in duplicate, in accordance with this Act.

Valuation lists to be dealt with under provisions of 25 & 26 Vict c. 103. ss. 17 to 21.

14. After the valuation list is signed by the overseers the same proceedings shall be had as are directed by the seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections of the principal Act, subject to the alterations made by this Act.

Overseers to send duplicate to surveyor of taxes.

15. The overseers (when they make the valuation list) shall send one duplicate of it to the surveyor of taxes of the district at the same time that the other duplicate is deposited by them. The duplicate so sent shall be transmitted by the surveyor of taxes to the assessment committee within twenty-eight days after he has received the same.

Notice to state time and mode of objection.

16. The notice of the deposit and re-deposit of the valuation list published by the overseers shall state the times at which and the mode in which objections are to be made.

Grounds on which persons may object before assessment committee.

17. Objections may be made before the assessment committee by any person authorized by this Act and the Acts incorporated herewith to object who feels himself aggrieved by reason of the unfairness or incorrectness of the valuation of any hereditament, or by reason of the insertion or incorrectness of any matter in the valuation list, or by reason of the omission of any matter therefrom, or by reason of such a valuation list as is required by this Act not having been transmitted by the overseers to the assessment committee. The notice of objection shall specify the correction which the objector desires to be made.

Surveyor of taxes may inspect, copy, and object to valuation list, returns, and other documents.

18. A surveyor of taxes, and any ratepayer in the parish, shall have the same right of inspecting, copying, taking extracts from, and objecting to, any valuation list which relates to his district or parish, as is given to any person by this Act and the Acts incorporated herewith; and a surveyor of taxes may also at any reasonable time, without fee or charge, inspect and take copies of any notices of objection, returns, and documents in the possession or under the control of the assessment committee.

If overseers do not transmit list, committee to appoint person to do so.

19. If the overseers of any parish fail to transmit such a valuation list as is required by this Act, the assessment committee shall appoint some person to make a valuation list, and may allow such person such remuneration in addition to his expenses as they think fit; and all expenses incurred by the assessment committee in pursuance of this section shall be paid by the guardians, and charged by them to such parish.

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The person so appointed shall have for the purposes of this section the same powers and duties as overseers, and the valuation list, so made, shall be dealt with in the like manner as if it had been duly made and transmitted by the overseers.

Valuation list to be revised, certified, and sent to overseers, &c.

20. The assessment committee, within the time in this Act mentioned, shall revise the valuation list in accordance with this Act and the Acts incorporated herewith. When they have finally approved such valuation list, three members of the committee present at the meeting at which the list is finally approved shall sign at the foot thereof such declaration of approval and certificate of compliance with this Act as is contained in the *second* schedule to this Act. One duplicate, so certified, shall be sent to the clerk of the managers of the metropolitan asylum district, and the other duplicate to the overseers of the parish to which it relates.

Duplicate of list to be deposited in each parish.

21. The overseers of the parish, on receiving the duplicate of the valuation list so sent to them by the assessment committee, shall immediately deposit it in the place in which the rate books of the parish are kept, and shall publish notice of such deposit, and of the time and mode of making appeals, and of the grounds on which an appeal is allowed by this Act to be made.

Valuation list to be deposited at office of the managers of metropolitan asylum district.

22. The certified valuation list so sent to the clerk of the managers of the metropolitan asylum district by the assessment committee shall be deposited at the office of such managers, and within the time in this Act mentioned shall be returned by him to the same assessment committee.

Printing and distribution of totals of gross and rateable value in valuation list.

23. The clerk of the managers of the metropolitan asylum district shall, within the time in this Act mentioned, cause the totals of the gross and rateable values of all the valuation lists to be printed, and a printed copy of all such totals to be sent to every assessment committee, and the overseers of every parish in the metropolis and in the counties in which any parish to which such totals relate is situate, to the clerks of the peace for the said counties, to the Corporation of the City of London, Metropolitan Board of Works, every district board in the metropolis, and the Poor Law Board. Every assessment committee, overseer, and ratepayer within the metropolis and within the said county shall respectively be entitled to have printed copies of such totals on payment of *one penny* for each copy of all the said totals.

Appeals.

Places for hearing appeals.

24. The Poor Law Board shall from time to time by order appoint the place where the appeals relating to each parish in the

metropolis are to be heard, and may, if they think fit, divide the metropolis into districts for the purpose of appeals, and appoint one or more places for every such district.

Appointment of commissioners to hear appeals.

25. The Poor Law Board (with the consent of the Commissioners of Her Majesty's Treasury) shall from time to time appoint one or more commissioners to hear appeals under this Act, and may, with the like consent, assign to each commissioner proper assistants, and award him and them due remuneration for his and their services from time to time. A commissioner shall not be the owner or occupier of any hereditament in the parish to which any appeal heard by him relates.

One half of the remuneration of a commissioner and of his assistants and of the expenses of holding his courts shall be paid by the Commissioners of Her Majesty's Treasury out of moneys to be provided by Parliament, and the remaining half by the managers of the metropolitan asylum district, to be repaid to them out of the metropolitan common poor fund.

Public notice of times of holding courts to be given.

26. Every commissioner shall give notice to the clerk of the said managers of the several times at which he will hold the court at the places appointed for the hearing by him of appeals; and the said clerk shall forthwith give public notice of such times by advertisement in some newspaper circulating in the metropolis, and by sending a copy of such notice to every assessment committee and surveyor of taxes in the metropolis, to every assessment committee in the county which would have a right to appeal at such court, and to the overseers of every parish to which any appeal relates, and to all the parties to the appeal.

The overseers shall publish the notice as soon as it is received by them.

Adjournment of court.

27. A commissioner may adjourn his court under this Act from time to time, and to any day not later than the date mentioned in this Act, and (for the purpose of giving judgment only) from place to place.

Summons and examination of witnesses.

28. A commissioner may take evidence, and may by summons under his hand require any person to attend before him as witness whom he thinks proper, and may also order any clerk to the commissioners of taxes, any surveyor of taxes, clerk of assessment committee, overseer, assistant overseer, or like officer in the metropolis to produce any documents relating to rates or taxes which he may consider necessary for determining an appeal, and do not relate to profits of trade or of concerns in the nature of trade.

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Any person who refuses, after tender of a reasonable sum for his expenses, to obey any summons or order under this section shall be liable (on summary conviction) to a penalty not exceeding *five pounds*.

Power to remove persons from court who interrupt proceedings.

29. A commissioner may order any person to be removed from his court who interrupts the business of the court, or refuses to obey his lawful orders in respect of the same; and it shall be the duty of the commissioner of police of the metropolis to take care that an officer of police do attend the court during its sittings, for the purpose of keeping order therein, and to carry into effect any order of the commissioner.

Persons entitled to appeal.

30. Any ratepayer and any surveyor of taxes who feels aggrieved by any decision of the assessment committee, on an objection made by him, may appeal against such decision.

Any assessment committee in the metropolis, or in the county in which the parish to which the appeal relates is situate, any overseers in the metropolis or such county, with the consent of the vestry of their parish, any ratepayer in the metropolis or such county, and any body of persons authorized by law to levy rates or require contributions payable out of rates in the metropolis or such county, may appeal, if they or he feel aggrieved by reason—

(1.) Of the total of the gross value of any parish being too high or too low:

(2.) Of the total of the rateable value of any parish being too high or too low; or

(3.) Of there being no approved valuation list for some parish.

Notice of appeal to be given.

31. Notice in writing of every appeal, specifying the correction which the appellant desires to have made in the valuation list, must be served, within the time in this Act mentioned, on the following persons; namely,

in all cases on the surveyor of taxes of the district to which the appeal relates, and on the clerk of the assessment committee which approved the list wholly or partly questioned by the appeal:

when the appeal relates to the unfairness or incorrectness of the valuation of, or to the omission of an hereditament owned or occupied by any person other than the appellant, or to the incorrectness of any matter stated in the list with respect to any such hereditament, then on such person:

if an assessment committee or a surveyor of taxes is the appellant, then also on the overseers of the parish to which the appeal relates:

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Provided that it shall not be necessary to serve any notice of appeal on the surveyor of taxes in any case in which the appeal relates only to the rateable value of any hereditament.

The clerk of the assessment committee, on receiving notice of an appeal, shall forthwith serve notice thereof on the clerk of the Managers of the metropolitan asylum district.

Commissioner to hear and determine appeals, and alter list accordingly.

32. Every commissioner shall, in open court, hear and determine all appeals brought before him in such order as he may from time to time appoint. He may adjourn the hearing from time to time, and to any day not later than the day before which all appeals are required by this Act to be heard; and if from accident or mistake due notice of appeal has not been given, or if an additional notice of appeal appears to be required, he may, if he thinks it just, order such notice of appeal to be given. He may confirm or alter the valuation list, so far as it is questioned by the appeal, in such manner as he thinks just, but shall not make any alteration in contravention of this Act. The clerk of the assessment committee shall attend the court with the valuation list to which the appeal relates, and any alteration shall be made by the commissioner in that list, and the commissioner shall place his initials against such alteration.

Making of valuation list where none approved. 25 & 26 Vict. c. 103. s. 33.

33. If it appears to the commissioner on any appeal that there is no approved valuation list for some parish, he may appoint some proper person (with such remuneration as he may appoint) to make a valuation list. Such person shall have for that purpose the same powers and duties as overseers.

The valuation list so made shall be deposited and otherwise made known to the persons interested in such manner as the commissioner may direct, but in manner as near as may be as is provided in this Act with respect to the list originally made.

The costs of making such valuation list shall be paid by the assessment committee who failed to approve the list, and shall be deemed part of their expenses under the principal Act.

Commissioner may, on application of party to appeal, order valuation. 15 & 16 Vict. c. 81. s. 18.

34. If any of the parties to the appeal apply to the commissioner to direct a valuation of any hereditaments with respect to which any appeal may be made, and if such applicant or applicants give such security as the commissioner thinks proper to pay the costs of the valuation, the commissioner may, in his discretion, appoint some proper person to make such valuation.

Adjournment to receive

35. Where a commissioner appoints a person to make a valuation list or a valuation, he may fix some subsequent day, either

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valuation list or valuation.

before or after the day before which all appeals are required by this Act to be heard, for receiving such valuation, and may adjourn the hearing to that day.

Valuation to be in writing, person making it to have power to enter.

36. The person so appointed to make a valuation shall make his valuation in writing signed by him, showing the particulars of the hereditaments comprised therein, and the amounts at which he has valued the same respectively.

Such person may at all reasonable times, with or without assistants, enter upon any of the hereditaments directed to be valued, and may do thereon all acts necessary for completing the valuation.

Costs of appeal.

37. The costs of any appeal, including the costs of any such valuation as aforesaid, shall be in the discretion of the commissioner, and shall be awarded by him to be paid by such parties to the appeal, and in such proportions, as he thinks just.

Costs (including the costs of making a valuation) ordered to be paid by parties other than a ratepayer shall be paid as in this Act mentioned.

Appeal by a special case from decision of commissioner on point of law.

38. If any person or body of persons feels aggrieved by any decision of the commissioner as being erroneous in point of law, he or they may appeal in manner directed by the Act of the session of the twentieth and twenty-first years of Her Majesty's reign, chapter forty-three, "to improve the administration of the law as far as "respects summary proceedings before justices of the peace," as varied by this Act.

For the purposes of the appeal the said Act shall be incorporated with this Act, with the following variations:

(1.) Except for the purpose of stating the case, the word justice in the said Act shall be construed to include the commissioner:

(2.) The application of the appellant shall be made in writing within *fourteen days* after the delivery of the decision, and not afterwards; on such application the special case shall be forthwith settled by the commissioner, and sent by him to the appellant; and the appellant, if dissatisfied with the special case as so settled, may have the same settled by a judge of one of the superior courts, on summons, at chambers:

(3.) When notice of an appeal under this section is given in good faith, but through mistake some act necessary to perfect the appeal is omitted to be done, the court to which the case is sent, in this Act referred to as the appellate

court, may permit an amendment on such terms as they think just: A.D. 1869.

(4.) Notice in writing of the decision of the appellate court on a case stated as aforesaid shall be given by the court to the clerk of the managers of the metropolitan asylum district. This notice may be given by one of the masters of the court under his hand. The said clerk shall keep such notice among the other documents in his custody belonging to the said managers, and shall forthwith serve a copy thereof on the assessment committee which approved the list questioned on the appeal.

Notice of alteration of list to be sent to overseers.

39. Notice of every alteration in the valuation list made in consequence of any decision on any appeal to the commissioner or the appellate court shall, as soon as possible, be sent in writing by the clerk of the assessment committee to the overseers and surveyor of taxes of the parish and district respectively to which the list which is so altered relates, and such alteration shall be entered by the clerk of the assessment committee and by the overseers on the duplicates respectively deposited with them.

Times for Proceedings.

Times within which proceedings in making valuation list are to be done.

40. With respect to the times within which proceedings under this Act and the Acts incorporated herewith are to be done, the following provisions shall have effect; that is to say,

(1.) The overseers shall make and deposit the valuation list before the *first of June* in the first year after the passing of this Act:

(2.) The overseers shall transmit the valuation list to the assessment committee not sooner than *fourteen* and not later than *seventeen* days after notice is given of the deposit of such list:

(3.) Notice of any objection by any person other than the surveyor of taxes and the overseers shall be given before the expiration of *twenty-five* days after the list is deposited:

(4.) The assessment committee shall revise the valuation list before the *first of October* in the same year, and before the same day, but not less than *sixteen* days after the transmission of the list to them by the overseers, shall hold a meeting for hearing objections to such list:

(5.) The assessment committee shall give notice of a meeting for hearing objections to a list not less than *sixteen* days before such meeting:

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(6.) Notice of objection with respect to any list by the surveyor of taxes and by the overseers shall be given not less than *seven* days before the meeting at which objections to such list will be heard by the assessment committee:

(7.) The assessment committee shall send the valuation list to be re-deposited within *three* days after it is approved by them, and shall appoint a day not less than *fourteen* nor more than *twenty-eight* days after such re-deposit for hearing objections to the alterations, of which objections *seven* days notice shall be given by the objector:

(8.) The assessment committee shall finally approve and send the valuation list to the overseers, and the clerk of the managers of the metropolitan asylum district, before the *first of November* in the same year:

(9.) The said clerk shall send out the printed totals before the *first of December* in the same year, and shall return the valuation list to the assessment committee not sooner than *fourteen* nor later than *twenty-one* days after the totals are sent out:

(10.) Notices of appeal shall be given on or before the *sixteenth of December* in the same year:

(11.) The commissioner may hold his courts at any time which will enable him to determine all appeals (except where a valuation list or valuation is ordered) before the *thirtieth of March*, but he shall not sit to hear appeals against any list until after the *fifth of January:*

(12.) Notice of the times at which the commissioner will hold his court at each place shall be given by the clerk *ten days* at least before the first court is held.

Effect of Valuation List.

Valuation list to last for three years.

41. The valuation list as approved by the assessment committee, and, if altered on any appeal under this Act, as so altered, shall come into force at the beginning of the year (commencing on the sixth of April) succeeding that in which it is made, and shall last for *three years*, subject to any alterations that may be made by any supplemental or provisional list as herein-after mentioned.

Rate to be levied notwithstanding appeal.

42. Notwithstanding any appeal under this Act which may be pending at the commencement of the year, the valuation list

shall come into force unaltered, and every assessment, contribution, rate, and tax in respect of which the valuation list is conclusive shall be made, required, levied, and paid in accordance with such valuation list; and where in consequence of the decision on any appeal under this Act an alteration in such valuation list is made which alters the amount of the assessment, contribution, rate, or tax levied thereunder, the difference, if too much has been paid, shall be repaid or allowed, and, if too little, shall be deemed to be arrears of the assessment, contribution, rate, or tax (except so far as any penalty is incurred on account of arrears), and shall be paid and recovered accordingly.

Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications.

43. The valuation list for the time being in force shall be deemed to have been duly made in accordance with this Act and the Acts incorporated herewith, and shall for all or any of the purposes in this section mentioned be conclusive evidence of the gross value and of the rateable value of the several hereditaments included therein, and of the fact that all hereditaments required to be inserted therein have been so inserted; that is to say,

(1.) For the purpose of any of the following rates which are made during the year that the list is in force, namely, the county rate, the metropolitan police rate, the church rate, the highway rate, the poor rate, the police, sewers, consolidated and other rates in the city of London, the sewers, lighting, general, and other rates levied by order of district boards or vestries, the improvement rates, and sums assessed on any part of the metropolis by the Metropolitan Board of Works, assessments for contributions under the Metropolitan Poor Act, 1867, and every other rate, assessment, and contribution levied, made, and required in the metropolis on the basis of value:

(2.) For the purpose of any of the following taxes which become chargeable during the year that the list is in force, namely,

(*a.*) The tax on houses levied under the House Tax Act and the Acts therein incorporated or referred to: 14 & 15 Vict. c. 36.

(*b.*) Any tax assessed in pursuance of the Income Tax Act, and any Acts continuing or amending the same, on any lands, tenements, and hereditaments, in all cases where the tax is charged on the gross value, and not on profits: 5 & 6 Vict. c. 35.

(3.) For the purpose of determining, so far as it is applicable, the value of any hereditament included therein for the

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purposes of the Acts relating to the sale of exciseable liquors, to the qualification of a juror, and to the qualification of a guardian, at any time at which such value is required to be ascertained:

10 Geo. 4. c. 44. And in construing the Metropolitan Police Act and the Acts amending the same, the last valuation for the time being acted upon in assessing the county rate shall be deemed to mean the valuation list for the time being in force.

15 & 16 Vict. c. 81. And in construing the County Rate Act, the basis or standard shall be deemed to be the rateable value stated in such list.

14 & 15 Vict. c. 36. And in construing the House Tax Act and the Acts therein incorporated or referred to, the full and just yearly rent shall be deemed to be the gross value stated in such list.

5 & 6 Vict. c. 35. And in construing the Income Tax Act and any Acts continuing or amending that Act, with respect to schedules A. and B. thereof, annual value shall be deemed to mean the gross value stated in such list.

Revision of Valuation List.

Mode of revising valuation list.

44. Every valuation list shall be revised in manner directed by this Act, and such revision in every period of *three years* (the first of such periods beginning with the *sixth of April One thousand eight hundred and seventy-one*) shall be conducted as follows:

(1.) In the first and second year of such period a supplemental list shall, if necessary, be made out in the same form as the valuation list, and shall show all the alterations which have taken place during the preceding twelve months in any of the matters stated in the valuation list, but shall contain only the hereditaments affected by such alterations. If no alteration has taken place which makes a supplemental list necessary, the overseers shall send a certificate to that effect to the assessment committee in place of such list, which certificate may be in the form contained in the *second* schedule to this Act:

(2.) In the third year of every such period the overseers shall make a new valuation list:

(3.) The same regulations shall be observed and the same proceedings shall be had in the case of a supplemental list and a new valuation list as are directed by this Act and the Acts incorporated herewith in the case of the valuation list made in the first year after the passing of this Act:

(4.) A supplemental list and a new valuation list shall come into force at the beginning of the year succeeding that in

which they are respectively made, in the same manner and subject to the same conditions as the valuation list made in the first year after the passing of this Act:

(5.) In the second year of such period the valuation list which was in force during the first year of the period, together with and as altered by the supplemental list, if any, which comes into force at the commencement of such second year, shall be the valuation list which is in force during that second year:

(6.) In the third year of such period the valuation list which was in force as aforesaid during the second year of that period, together with and as altered by the supplemental list, if any, which comes into force at the commencement of such third year, shall be the valuation list which is in force during that third year:

(7.) A new valuation list when it comes into force shall supersede the valuation list which was in force during the third year of such period.

Provision for valuing a house built between the times at which the valuation list is made.

45. If in the course of any year the value of any hereditament is increased by the addition thereto or erection thereon of any building, or is from any cause reduced in value, the following provisions shall have effect:

(1.) The overseers of the parish in which such hereditament is situate may, and on the written requisition of the assessment committee or of any ratepayer or of the surveyor of taxes for the district shall, send to the assessment committee a provisional list containing the gross and rateable value as so increased or reduced of such hereditament:

(2.) A copy of the requisition shall be sent by the person making it to the clerk of the assessment committee, and if within fourteen days after the requisition has been served on the overseers they make default in sending such provisional list he shall forthwith summon the assessment committee, and the assessment committee shall appoint a person to make such provisional list, in the same manner as is in this Act provided in the case of the overseers failing to transmit a valuation list:

(3.) On the receipt of the list the clerk of the assessment committee shall serve on the surveyor of taxes for the district a copy of the list, and shall serve on the occupier of any hereditament to which the list relates a copy of so much thereof as relates to that hereditament. Every copy shall be accompanied by a notice specifying a day, being not

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less than fourteen days after the date of the service of the notice on or before which any objection to the provisional list may be made, and stating the mode in which an objection is to be made. Such copy and notice shall be served in the same way as notices by an assessment committee are served:

(4.) An objection may be made to any such provisional list by the said occupier, and by the surveyor of taxes, or by either of them, by notice thereof in writing being served on the clerk of the assessment committee, on the overseers, on the surveyor of taxes, and on the occupier, or on such of them as the case may require:

(5.) The clerk of the assessment committee, on the receipt of the notice of any objection, shall forthwith summon a meeting of the committee, and give notice of the time and place of such meeting to the overseers, to the surveyor of taxes, and the occupier:

(6.) The committee shall hear and determine on the objection in the same manner as if it were an objection to a valuation list, and may make such order as they think just:

(7.) If no objection is made, then on the expiration of the time for making objections, or if an objection is made then as soon as the assessment committee have determined on the objection, the assessment committee shall cause a copy to be made of the provisional list, with any alteration made in it by the committee, and shall return the list and the copy thereof, after being dated and signed by their clerk, to the overseers:

(8.) A provisional list, signed as aforesaid, shall have operation from the date of the service by the clerk of the assessment committee of a copy of the list and notice on the occupier, and shall continue in force until the first list (supplemental or other) which is subsequently made comes into force:

(9.) A provisional list during the time that it is in force shall be deemed to form part of the valuation list for the time being in force, and shall (so far as is necessary) be substituted for so much of that valuation list as relates to the same hereditament, and every rate and tax in respect of which the valuation list is conclusive, which are respectively made or charged after the provisional list comes into force, shall be levied accordingly; but if when the next revision of the valuation list takes place the list as approved and

altered on appeal contains a smaller value for the hereditament comprised in a provisional list than the value stated in such provisional list, the amount of rate or tax which has been overpaid in consequence of the larger value having been stated shall be repaid or allowed:

(10.) Where the owner of any hereditament is liable to be assessed to any rate or tax in the place of the occupier, the owner or other person receiving the rent of such hereditament shall for the purposes of this section be deemed to be the occupier:

(11.) Nothing in this section shall affect the value on which any sum is assessed which is assessed on the totals of the gross or rateable value of parishes or unions.

Expenses.

Costs of appeal, &c.

46. The costs of an appeal awarded against or incurred by any assessment committee or overseers shall be deemed to be expenses incurred under this Act and the Acts incorporated herewith, and shall be raised and paid accordingly.

Any costs or expenses awarded against or incurred by any surveyor of taxes shall be defrayed in the same manner as expenses are directed to be defrayed by the Acts relating to the taxes in respect of which the valuation list is made conclusive.

Inland Revenue may make allowances for expenses of Act. 5 & 6 Vict. c. 35. s. 186.

47. The Commissioners of Inland Revenue may make such allowances as they think fit for remunerating any person employed by them in the execution of this Act, and for the discharge of any costs or expenses incurred by him.

Expenses of managers of metropolitan asylum district.

48. The managers of the metropolitan asylum district shall pay the expenses of the valuation board and such remuneration from time to time as the Poor Law Board may allow to their clerk for his duties under this Act; the amount due to them for sums so paid and for any other costs and expenses incurred by them under this Act, when ascertained by the auditor of the accounts of such managers, shall be paid to them by the receiver of the Metropolitan Common Poor Fund out of any moneys from time to time in his hands, and the Poor Law Board may require contributions for the purpose of raising such remuneration, costs, and expenses.

Rules for formation of Valuation List.

Form and contents of valuation list.

49. The valuation list shall be made out in the form given in the *second* schedule to this Act.

The overseers shall not include in such valuation list any hereditaments (except tithes or payment in lieu of tithes) which are

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charged according to Rule No. 2. in section sixty of the Income Tax Act, but shall include tithes and payments in lieu of tithes and every hereditament in their parish in respect of which any person may be liable to any rate or tax for the purpose of which the valuation list is by this Act made conclusive.

Gross value not to be less than the rent with certain exceptions.

50. In calculating the gross value for the purposes of this Act the annual rent which a tenant might reasonably be expected to pay shall not be less than the actual rent: Provided that—

(1.) Proper deductions shall nevertheless be made in such calculation where the landlord undertakes to pay any tenant's rates or taxes, or any tithe commutation rentcharge.

(2.) Proper deductions shall nevertheless be made in such calculation where the rent paid for a house and premises includes any sum for the use of furniture, gas, water, servants, or matters other than the use of the house unfurnished.

(3.) The gross value of a house,

(*a.*) if occupied by one occupier paying rent weekly, shall be estimated according to the rent which a tenant would give if he took the house as a yearly tenant:

(*b.*) if let out in separate apartments or lodgings to occupiers paying rent weekly, shall be estimated according to the rent which a tenant would give who would underlet to such occupiers;

but the gross value so estimated shall not be less than *eighty per cent.* of the aggregate rents which would be payable by such weekly occupiers if they continued in occupation during every week in the twelve months.

Deductions for rateable value.

51. The per-centage or rate of deductions to be made from the gross value in calculating the rateable value for the purposes of this Act shall be such as may be prescribed in the table made by the valuation board, but shall not exceed the amounts in the third schedule to this Act.

Provided that, where it can be shown by a tenant having a lease of a house that the house has, by circumstances beyond the control of himself or of the owner, become depreciated in value since he took the lease, there may be made in respect of such depreciation a reasonable deduction exceeding the rate prescribed by such table or schedule.

Value of tithe rent-

52. In calculating for the purposes of this Act the gross value of any tithe commutation rentcharge the average amount which

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(according to the septennial averages of the price of corn) has been payable in respect of such rentcharge during the thirty-six months ending on the twenty-fifth of December next before the time at which the valuation list is made shall be adopted; and the gross value so calculated, and the rateable value deduced therefrom, shall remain unaltered until the next new valuation list is made; and the overseers shall not insert such rentcharge in a supplemental list on account of any variation in its value, whether arising from the variation of the septennial average of the price of corn or otherwise.

charge may be calculated on three years average.

53. In calculating the gross value of a tithe rentcharge there shall be deducted from the total of the average annual amount of such rentcharge all tenants rates and taxes, tenths, first fruits, synodals, and other ecclesiastical dues payable in respect of such tithe rentcharge, and the cost of the repairs of a chancel, if the rentcharge is liable to bear the cost of such repairs.

In calculating the rateable value of a tithe rentcharge there shall be deducted from the gross value, calculated as aforesaid, the amount of the costs of collection.

The amount of the deductions to be made as aforesaid for the purpose of calculating the gross value and rateable value of a tithe rentcharge shall be determined by the average amount payable in respect of each item during the period taken for ascertaining the average amount of the rentcharge.

Deductions to be made to ascertain gross and rateable value of tithe rentcharge.

54. When a surveyor of taxes gives notice of objection or of appeal, the amount specified in the notice as being in his judgment the gross value of any hereditament referred to in the notice shall be inserted in the valuation list by the assessment committee or commissioner on appeal, unless it is proved to the satisfaction of the assessment committee or commissioner that such amount ought not to be so inserted.

Amount of gross value specified by the surveyor of taxes to be inserted, unless disproved.

55. Nothing contained in this Act or the Acts incorporated herewith shall affect any exemption or deduction from or allowance out of any rate or tax whatever, or any privilege or provision for being rated or taxed on any exceptional principle of valuation.

Saving of exemptions and exceptional principles of valuation.

Returns.

56. In the first year after the *passing of this Act*, and in every subsequent year in which a new regulation list is made, or in the *month of March* preceding any such year, every person who is liable to be charged with any rate or tax in respect of which the valuation list is made conclusive, shall, when required, make to the overseer

Occupier to make returns triennially. 5 & 6 Vict. c. 35. ss. 48., 52.

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of his parish such statement or return as a person chargeable under the Income Tax Act and the Acts amending the same is bound to make.

Clerk of assessment committee to supply notices and forms for returns to overseers, who are to serve them.

57. For the purpose of securing the proper making of such returns, the surveyor of taxes shall in the month of *February* preceding send to the overseers of each parish in his district, a sufficient number of printed forms and notices, and the overseers within a month after the receipt thereof, shall serve a notice and form on every person in his parish required by this Act to make a return; and every person required by this Act to make a return shall make it within *twenty-one days* after the service of a notice and form on him.

The forms and notices shall be such as are prescribed by the Income Tax Act or the Acts amending the same, or as the Commissioners of Her Majesty's Treasury may from time to time prescribe, and any such form duly filled up and signed shall be deemed to be a sufficient return.

The return shall be delivered to the overseers of each parish, and together with the valuation list shall be sent by them to the surveyor of taxes, and by the surveyor of taxes to the assessment committee.

Any surveyor of taxes may at any reasonable time, without fee or charge, inspect or take copies of or extracts from any returns obtained under this Act, whether they are in the possession of the overseers or of the assessment committee.

Assessment committee may require returns from owner and occupier.
17 & 18 Vict. c. 91. s. 7. (as to Scotland).
5 & 6 Vict. c. 35. ss. 66, 67.

58. An assessment committee may, by order, require any person who is the owner or occupier or reputed owner or occupier of any hereditament in their union to send them a return in writing of all or any of the following things; viz., of the rent receivable or payable by him (as the case may be) for such hereditament, and of the person entitled to any tithe rentcharge charged on such hereditament, and of the amount of the same, and of the several persons by whom any tithe rentcharge is paid to him, and of the amounts paid by each such person, and of any other particulars respecting such hereditament as are required for the due execution of this Act and the Acts incorporated herewith. And every such owner or occupier shall obey such order within *fourteen* days after the service thereof on him.

Penalty for no or false returns.

59. If any person wilfully refuses or neglects to make any return lawfully required under this Act within the times respectively limited by this Act in that behalf, he shall be liable, on summary conviction, to a penalty not exceeding *five pounds*.

If any person wilfully makes or causes to be made a false return, he shall be liable, on summary conviction, to a penalty not exceeding *ten* pounds.

Miscellaneous.

Provision for cases where no guardians and where no overseers.

60. With respect to any parish which is not included in any union of parishes, and in which there is no board of guardians, the following provisions shall have effect:

(1.) The assessment committee of the adjoining union shall act as the assessment committee of that parish, and where there is more than one such adjoining union the Poor Law Board shall determine the assessment committee which is to act for such parish:

(2.) Every such parish shall, for the purposes of this Act and the Acts incorporated herewith, but not for any other purpose, be deemed to be within the union of the assessment committee which acts for it:

(3.) The masters of the bench, treasurer, governors, or other body of persons in such parish, may, at the time appointed for the election of an assessment committee, appoint a person to be a member of such assessment committee in addition to the number elected under this Act and the Acts incorporated herewith:

(4.) Where there are no overseers the assessment committee shall appoint some person to perform the duties of the overseers under this Act and the Acts incorporated herewith, and may award him such remuneration as they think fit; and the person so appointed shall perform such duties, and shall, for that purpose, have all the powers of overseers.

(5.) A proportionate share of the expenses of the assessment committee under this Act and the Acts incorporated herewith, and any remuneration paid to or expenses incurred by the person appointed by them under this or any other section to make a valuation list, shall be charged on such parish, and the sums so charged shall be paid by the masters of the bench, treasurer, governor, or other body of persons; and sections sixty-six, sixty-seven, and sixty-eight of the Metropolitan Poor Act, 1867, shall apply to such sums in the same manner as if the assessment committee and their clerk were the Poor Law Board and the receiver mentioned in those sections.

Assessment committee and overseers may

61. Every assessment committee, with the consent of the guardians, and every overseer, with the consent of the vestry of his

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parish, may, for the purposes of any application for a valuation on any appeal, give security for paying the costs of such valuation. An assessment committee may give such security and may appear on any appeal by their clerk, and shall indemnify the said clerk against all moneys, losses, and costs paid or incurred by him in consequence of such security or appearance.

give security for costs of valuation.

Use of public room for appeals, &c.

62. Any room maintained out of the proceeds of any rate levied wholly or partly in the metropolis may (with the consent of the person or body corporate having the control of it) be used for the meetings of the valuation board or for hearing appeals, and for other purposes of this Act.

Evidence of valuation list, &c.

63. A valuation list may be proved by the production of a duplicate or copy of such list purporting to be certified to be a duplicate or a true copy by the clerk of the assessment committee that approved it, and such certificate shall state that the alterations (if any) made in the list in consequence of the decision on any appeal under this Act have been correctly made in the duplicate or copy so produced. A provisional list may be proved by the production of a duplicate or copy thereof purporting to be certified to be a true copy by the clerk of the committee who signed it.

Service of notices, &c. by post, &c.

64. All orders and notices under this Act and the Acts incorporated herewith shall be in writing or print, or partly in writing and partly in print, and if made or given by the valuation board or an assessment committee shall be sufficiently authenticated if signed by their clerk; and all orders, notices, and documents required by the same Acts to be served on or sent to any person or body of persons corporate or unincorporate may be either delivered to such person or the clerk of such body, or left at the usual place of abode of such person or clerk, or at the office of such clerk or body, or (if such abode or office cannot on reasonable inquiry be discovered) at the premises to which the order, notice, or document relates, or may be served and sent by post, by a prepaid letter, addressed to such person, or to the office of such body or their clerk, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Publication of notices by overseers. 26 & 26 Vict. c. 103. s. 19.

65. Any notice required by this Act to be published by the overseers shall, on the Sunday next following the receipt of such notice, or the document to which the notice refers, and the two

following Sundays, be published by them in the manner in which notice of a rate allowed by justices is required to be published.

Inspection, &c. of documents deposited with rate books.

66. Where any documents are required by this Act to be deposited in the same place in a parish in which rate books are kept, every ratepayer shall be at liberty to inspect and take copies of or extracts from such documents at any reasonable time, without fee or charge.

Valuation lists to be equivalent to rate books of parish.

67. The duplicate of the valuation list, approved by the assessment committee, and sent to the overseers, as directed by this Act, the notices of alterations made on any appeal under this Act, and any provisional list, shall for all purposes be deemed to be part of the rate books of the parish, and shall be produced by the overseers before the justices upon any application for allowance of rates, and on any appeal under this or any other Act.

Ratepayer, &c. may inspect documents, &c. in hands of clerk of managers or assessment committee.

68. Any ratepayer, overseer, or surveyor of taxes in the metropolis may, at all reasonable times, without payment, inspect and take copies of and extracts from all valuation lists and documents, which in pursuance of this Act are under the control of the clerk of the managers of the metropolitan asylum district.

Any surveyor of taxes and any overseer in a union, without fee or charge, and any ratepayer in a union on payment of a fee not exceeding *one shilling* (to be carried to the common fund), may at any reasonable time inspect and take copies of and extracts from any valuation lists, notices of objection, returns, and other documents in the possession or under the control of the assessment committee of that union.

Any person who hinders a ratepayer, overseer, or surveyor of taxes from so inspecting or taking copies of or extracts from any valuation list or document, or demands where not authorized by this Act a fee for allowing him so to do, shall be liable on summary conviction to a penalty not exceeding five pounds for each offence.

Form of rate and declaration. 25 & 26 Vict. c. 10. s. 128. 27 & 28 Vict. c. 39. s. 11.

69. Every poor rate made in the metropolis after the *fifth of April one thousand eight hundred and seventy-one* shall contain the particulars specified in the fourth schedule to this Act, and the overseers shall sign the form of declaration which is given in that schedule before the rate is allowed by the justices. And the justices shall not allow any rate at the foot of which the said declaration has not been added and signed.

Any overseer who wilfully omits to make the said declaration or makes the same falsely shall be liable on summary conviction to a penalty not exceeding *five* pounds.

Amendment of 25 & 26 Vict. c. 103. s. 11.

70. The entry of the proceedings of the assessment committee at any meeting, and of the names of the members who attend that

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meeting, may be signed by the chairman of the next meeting of the committee, and every entry and minute purporting to be so signed shall be received in evidence in the same manner as if such entry or minute had been signed by the chairman of the meeting at which the proceedings took place, and the members were present.

Saving of powers to value property not included in a valuation list.

71. Nothing in this Act shall in any way alter or affect the mode of valuing or taxing any hereditament which is not included in any valuation list, or which is chargeable according to the profits and not according to the gross value, or the mode of charging the occupiers of land subject to a tithe rentcharge in respect of such tithe rentcharge.

Separate assessment of houses for purposes of house duty, income tax under Schedule B. (5 & 6 Vict. c. 35.), and Licensing Acts.

72. Where for the purposes of the Acts relating to the duty on inhabited houses, or to the duties charged under schedule B. of the Income Tax Act, or to the sale of exciseable liquors, it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list, the value of such hereditament shall be ascertained in the same manner as if this Act had not passed.

Repeal of Acts.

Repeal of Acts.

73. The Acts and parts of Acts specified in the fifth schedule to this Act, and so much of any other Acts, whether public or local and personal, as authorizes any valuation of hereditaments to be made for the purposes of any rate or tax in respect of which the valuation list is by this Act made conclusive, are hereby repealed, so far as they relate to the Metropolis: Provided—

1. That the provisions of the Acts so repealed shall remain in force until the provision or provisions substituted for them by this Act shall respectively come into operation:
2. That this repeal shall not affect the validity or invalidity of anything done or suffered under any of the said provisions while they remain in force, or any right or title acquired or accrued under any of the said provisions while they remain in force, or any remedy or proceeding in respect thereof.

FIRST SCHEDULE.

Date of Act.	Short title used in this Act.
10 Geo. 4. c. 44.	The Metropolitan Police Act.
5 & 6 Vict. c. 35	The Income Tax Act.
14 & 15 Vict. c. 36.	The House Tax Act.
15 & 16 Vict. c. 81.	The County Rate Act.

SECOND SCHEDULE.

Part I.

Valuation List for [*the parish or place for which the list is made*] in the Metropolitan Union of [*or* not being in Union] in the County of .

Number.	Name of occupier.	Name of owner.	Description of property.	No. of class.	Name or situation of property.	Extent.	Gross value.	Rate of deduction per cent.	Rateable value.	Gross value of house and premises liable to House Duty.	—

Signed this day of .

A.B. } Overseers of the poor of
C.D. } the parish aforesaid.

We do hereby approve the above valuation list, and certify that in determining the gross and rateable value of the above hereditaments the provisions of the Valuation (Metropolis) Act, 1869, have been duly complied with.

Signed this day of .

A.B. }
C.D. } Members of the Assessment Committee of the Union.
E.F. }

Part II.

Form of Certificate, where no supplemental list is sent.

We, the overseers of the parish of , do hereby certify that no alteration has taken place in the matters stated in the valuation list of this parish which renders a supplemental list necessary.

A.B. } Overseers of the parish
C.D. } of .

THIRD SCHEDULE,

Showing the several classes into which the hereditaments inserted in a valuation list under this Act are to be divided.

	Maximum rate of deductions.
	Per cent.
Class 1. Houses and buildings without land other than gardens where the gross value is under 20*l.* - - -	25
„ 2. Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty where the gross value is 20*l.* or upwards - - - - -	15
„ 3. Land with buildings not houses - - -	10
„ 4. Land without buildings - - - -	5
„ 5. Mills and manufactories - - - - -	$33\frac{1}{3}$
„ 6. Brickyards - - - - - -	
„ 7. Tithes, tithe commutation rentcharge, and other payments in lieu of tithe - - - -	Deductions in respect to this class to be made in conformity with section .
„ 8. Railways, canals, docks, tolls, waterworks, and gasworks	To be determined by the committee.
„ 9. Rateable hereditaments not included in any of the foregoing classes - - - - -	

Notes.

Any of the above classes may be subdivided if the valuation board who draw up the table consider it expedient that such subdivision should be made.

The maximum rate of deductions in any class may be exceeded in cases where it is insufficient to include extraordinary expenditure which is required to maintain banks or embankments for the protection of land or buildings against the encroachment of water.

FOURTH SCHEDULE.

Form of Rate.

Rate for the Relief of the Poor of the Parish of in the Union, and for other purposes chargeable thereon, according to law made this day of in the year of our Lord 18 , after the rate of in the pound.

No.	Name of occupier.	Name of owner.	Description of property rated.	Name or situation of property.	Rateable value.	Rate at in the pound.	Amount of rate assessed upon and payable by the owner instead of the occupier, by virtue of the Statute or Statutes in that behalf.

Declaration to be added to the Rate.

We, the undersigned, do hereby declare that one of us, or some person on our behalf, has examined and compared the several particulars in the respective columns of the above rate with the valuation list made under the authority of the Valuation (Metropolis) Act, 1869, and now in force in this parish (*or* township), and the several hereditaments are, to the best of our belief, rated according to the value appearing in such valuation list.

_____ } Churchwardens.
_____

_____ } Overseers.
_____

FIFTH SCHEDULE.

43 Geo. 3. c. 161.	An Act for repealing the several duties under the management of the commissioners for the affairs of taxes, and granting new duties in lieu thereof; for granting new duties in certain cases therein mentioned; for repealing the duties of excise on licences, and on carriages constructed by coachmakers, and granting new duties thereon under the management of the said commissioners for the affairs of taxes, and also new duties on persons selling carriages by auction or on commission - - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
48 Geo. 3. c. 55.	An Act for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof, and certain additional duties to be consolidated therewith; and also for repealing the stamp duties on game certificates, and granting new duties in lieu thereof, to to be placed under the management of the commissioners for the affairs of taxes - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
57 Geo. 3. c. 25.	An Act to explain and amend an Act made in the forty-eighth year of His present Majesty for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof; and to exempt such dwelling houses as may be employed for the sole purpose of trade, or of lodging goods, wares, or merchandise, from the duties charged by the said Act - - - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
10 Geo. 4. c. 44.	An Act for improving the police in and near the metropolis - - - - - - -	in part, namely,—
	So much of sections thirty and thirty-two as relates to the ascertaining the value of any hereditaments with respect to the value of which the valuation list is made conclusive.	
6 & 7 W. 4. c. 96.	An Act to regulate parochial assessments - -	in part, namely,—
	Sections one, two, six, seven, and nine.	

5 & 6 Vict. c. 35.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices until the sixth day of April one thousand eight hundred and sixty-five (in this Act called the Income Tax Act) - - - - - -	in part, namely,—
	Section sixty. No. I. No. II. par. 1, 3. No. IV. par. 2, 4. No. V. (so far as respects the deductions allowed by this Act.)	
	Section sixty-three. No. X. par. 1, 2, 3, 4.	
	Sections sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-eight, eighty-one, eighty-two, eighty-seven, and any other part which relates to the ascertaining of the value of lands, tenements, and hereditaments with respect to the value of which the valuation list is made conclusive.	
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847 - - -	in part, namely,—
	Sections one hundred and seventy-six, one hundred and seventy-seven, and every other part which relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive.	
	And so much of any other Act as incorporates those sections and such other part.	
14 & 15 Vict. c. 36.	An Act to repeal the duties payable on dwelling houses according to the number of windows or lights, and to grant in lieu thereof other duties on inhabited houses according to their annual value (in this Act called the House Tax Act) - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
15 & 16 Vict. c. 81.	An Act to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales (in this Act called the County Rate Act) - - - - - -	in part, namely,—
	Sections one to twenty, both inclusive, and sections forty to forty-three, both inclusive.	
16 & 17 Vict. c. 34.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices	in part, namely,—
	Sections thirty-two and forty-seven, and so much of the rest of the Act as relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive.	
18 & 19 Vict. c. 120.	An Act for the better local management of the metropolis (Metropolis Management Act, 1855) - -	in part, namely,—
	So much of sections one hundred and seventy-five and one hundred and seventy-nine as relates to ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive.	
20 & 21 Vict. c. 64.	An Act for raising a sum of money for building and improving stations of the metropolitan police, and to amend the Acts concerning the metropolitan police - - - - - -	in part, namely,—
	Sections eleven and twelve.	

25 & 26 Vict. c. 102.	An Act to amend the Metropolis Local Management Acts (The Metropolis Management Amendment Act, 1862) - - - - - - -	in part, namely,—
	So much of sections six, seven, and thirteen as authorizes or relates to the ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive.	
25 & 26 Vict. c. 103.	The Union Assessment Committee Act, 1862 - - -	in part, namely,—
	Sections three, fourteen, fifteen, the following words in section seventeen, "and a copy of such valuation list shall be forthwith delivered to the board of guardians," sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, section twenty-eight down to "schedule hereunto annexed," sections twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-nine, forty-one, forty-two, forty-three, and forty-five.	
27 & 28 Vict. c. 39.	The Union Assessment Committee Amendment Act, 1864 - - - - - - -	in part, namely,—
	Sections one, nine, and eleven.	
29 & 30 Vict. c. 64.	An Act to amend the laws relating to the Inland Revenue - - - - - - -	in part, namely,—
	Section seventeen, so far as it relates to the value of property.	
29 & 30 Vict. c. 78.	The County Rate Act, 1866 - - - -	in part, namely,—
	Section one.	

Valuation of Property (Metropolis).

A

B I L L

To provide for Uniformity in the Assessment of Rateable Property in the Metropolis.

XXIII. (3.)

(*Prepared and brought in by Mr. Goschen, Mr. Arthur Peel, and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed*, 22 *February* 1869.

[Bill 12.]

Under 5 *oz.*

Valuation of Property (Metropolis) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

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78. Repeal of Acts.

Schedules.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for Uniformity in the Assessment of Rateable Property in the Metropolis. A.D. 1869.

WHEREAS it is expedient to provide for a common basis of value for the purposes of government and local taxation, and to promote uniformity in the assessment of rateable property in the metropolis:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Act to be construed as one with 25 & 26 Vict. c. 103. and 27 & 28 Vict. c. 39.

1. The Union Assessment Committee Act, 1862, is in this Act referred to as "the principal Act;" and the principal Act, and the Union Assessment Committee Act, 1864, and section thirty-two of the Poor Law Amendment Act, 1868, (amending the same,) shall for the purposes of this Act, and so far as is consistent with the tenor thereof, be incorporated with this Act; and the expression "this Act" in the principal Act, and any expression referring to the principal Act which occurs in the said Act or section amending the same, or in any other Act or document, shall, as regards places to which this Act extends, be construed to mean the principal Act as incorporated with this Act.

Short title.

2. This Act (including the Acts and section incorporated herewith) may be cited as The Valuation (Metropolis) Act, 1869.

Extent of Act.

3. This Act shall extend only to unions and parishes not in union, which are for the time being either wholly or for the greater part in value thereof respectively situate within the jurisdiction of the Metropolitan Board of Works appointed under The Metropolis Management Act, 1855. 18 & 19 Vict. c. 120.

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Definitions.

4. In this Act, unless the context otherwise requires,—

"Metropolis."

The term "metropolis" means the unions, and parishes, to which this Act extends:

"Parish."

The term "parish" means any place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

"Union."

The term "union" means any union of parishes, and any parish for which there is a separate assessment committee under this Act and the Acts incorporated herewith:

"Ratepayer."

The term "ratepayer" means every person who is liable to any rate or tax in respect of property entered in any valuation list:

"Year."

The term "year," means the twelve months commencing with the sixth of April and ending with the succeeding fifth of April; and words referring to a year refer to the same period:

"Surveyor of taxes."

The term "surveyor of taxes" means any surveyor of taxes, inspector of taxes, or other officer appointed or to be appointed by the Commissioners either of Inland Revenue or of Her Majesty's Treasury for the purposes of any tax in respect of which a valuation list is by this Act made conclusive:

"Overseers."

The term "overseers" includes any person or body of persons performing the duties of overseers so far as regards the assessment, making, and collection of rates for the relief of the poor:

"Hereditament."

The term "hereditament" means any lands, tenements, hereditaments, and property which are liable to any rate or tax in respect of which the valuation list is by this Act made conclusive:

"Gross value."

The term "gross value" means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rent-charge, if any, and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent:

"Rateable value."

The term "rateable value" means the gross value after deducting therefrom the probable annual average cost of the repairs, insurance, and other expenses as aforesaid.

The Acts specified in the first schedule to this Act are in this Act referred to by the short title placed opposite to them in that schedule.

Assessment Committee.

Election of assessment committee in single

5. Where, in any parish which is not included in any union formed under the Poor Law Amendment Act, 1834, and the Acts amending the same, there is for the time being a vestry elected according to the provisions of the Metropolis Management Act,

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1855, but no assessment committee under the principal Act, the following provisions shall have effect:

parish where there is a vestry.

(1.) Where in any such parish there is a board of guardians having power under any Local Act to assess or make the rates for the relief of the poor that board of guardians shall appoint an assessment committee:

(2.) Where any two of such parishes are united under a Local Act for the purpose of assessing or making the rates for the relief of the poor, the guardians for such united parishes elected in pursuance of the Poor Law Amendment Act 1834, and the Acts amending the same shall appoint an assessment committee:

(3.) In cases other than those before mentioned the vestry of such parish shall appoint an assessment committee:

(4.) In the first year after the passing of this Act and every subsequent year, the body who appoint an assessment committee under this section shall on a day fixed by such body between the fifteenth and twenty-ninth of April in that year, or some other day fixed by the Poor Law Board, hold a meeting, and appoint from among themselves an assessment committee (consisting of not less than six nor more than twelve in number) in the same manner, as near as may be, as if the parish or united parishes were an union and the appointing body a board of guardians within the meaning of the principal Act.

All the provisions of this Act and the Acts incorporated herewith shall—

(*a.*) in cases where the assessment committee is appointed by guardians under this section be construed as if such guardians, and the moneys applicable by such guardians for the relief of the poor were the guardians mentioned in the principal Act and the common fund; and—

(*b.*) in cases where the assessment committee is appointed by the vestry be construed, so far as is consistent with the tenor thereof, as if the terms vestry, members of the vestry, vestry clerk, assistant vestry clerk, and moneys applicable to the payment of the expenses of a vestry under the Metropolis Management Act, 1855, were respectively substituted for the terms board of guardians, guardians, clerk of the board of guardians, assistant clerk of the board of guardians, and common fund, but nothing in such Acts relating to ex-officio guardians shall have any application in the case of a vestry.

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Making of Valuation Lists.

Making of valuation lists.

6. The overseers of every parish to which this Act extends, within the time in this Act mentioned, shall make and sign a valuation list of their parish in duplicate, in accordance with this Act.

Valuation lists to be dealt with under provisions of 25 & 26 Vict. c. 103. ss. 17 to 21.

7. After the valuation list is signed by the overseers the same proceedings shall be had as are directed by the seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections of the principal Act, subject to the alterations made by this Act.

Duplicate sent to surveyor of taxes.

8. The overseers shall send one duplicate of the valuation list to the surveyor of taxes of the district at the same time that the other duplicate is deposited by them. The surveyor of taxes shall insert in the duplicate so sent to him the amount in his opinion of the gross value of the hereditaments comprised in such list where such amount differs from the amount inserted by the overseers, and shall transmit the duplicate to the assessment committee within twenty-eight days after he has received the same.

CLAUSE A. Notice to occupier of alteration of value, &c.

9. In each of the following cases, namely:

(1.) Where the overseers of the parish insert in the valuation list some hereditament not previously assessed, or raise the gross or rateable value of some hereditament above the value stated in the valuation list for the time being in force or (where there is no valuation list) in the then last assessment to the poor rate, or

(2.) Where the assessment committee (otherwise than in determining an objection) alter a valuation list by inserting therein some hereditament, or by raising the gross or rateable value of some hereditament comprised therein,

the overseers shall immediately after the deposit or re-deposit of the list (as the case may be) serve on the occupier of such hereditament, a notice of the gross and rateable value thereof inserted in the valuation list.

Notice to state time and mode of objection.

10. The notice of the deposit and re-deposit of the valuation list published by the overseers shall state the times at which and the mode in which objections are to be made.

Grounds on which persons may object before assessment committee.

11. Objections may be made before the assessment committee by any person authorized by this Act and the Acts incorporated herewith to object who feels himself aggrieved by reason of the unfairness or incorrectness of the valuation of any hereditament, or by reason of the insertion or incorrectness of any matter in the valuation list, or by reason of the omission of any matter therefrom, or by reason of such a valuation list as is required by this Act not

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having been transmitted by the overseers to the assessment committee. The notice of objection shall specify the correction which the objector desires to be made.

Surveyor of taxes and ratepayer may inspect, copy, and object to valuation list.

12. A surveyor of taxes, and any ratepayer in the parish, shall have the same right of inspecting, copying, taking extracts from, and objecting to, any valuation list which relates to his district or parish, as is given to any person by this Act and the Acts incorporated herewith.

If overseers do not transmit list, committee to appoint person to do so.

13. If the overseers of any parish fail to transmit such a valuation list as is required by this Act, the assessment committee shall appoint some person to make a valuation list, and may allow such person such remuneration in addition to his expenses as they think fit; and all expenses incurred by the assessment committee in pursuance of this section shall be paid by the guardians, and charged by them to such parish.

The person so appointed shall have for the purposes of this section the same powers and duties as overseers, and the valuation list, so made, shall be dealt with in the like manner as if it had been duly made and transmitted by the overseers.

Valuation list to be revised, certified, and sent to overseers, &c.

14. The assessment committee, within the time in this Act mentioned, shall revise the valuation list in accordance with this Act and the Acts incorporated herewith. When they have finally approved such valuation list, they shall cause the totals of the gross and rateable value in such list to be ascertained and inserted in the list, and three members of the committee present at the meeting at which the list is finally approved shall sign at the foot thereof such declaration of approval and certificate of compliance with this Act as is contained in part one of the second schedule to this Act. One duplicate, so certified, shall be sent to the clerk of the managers of the metropolitan asylum district, and the other duplicate to the overseers of the parish to which it relates.

Deposit of duplicate of list in each parish.

15. The overseers of the parish, on receiving the duplicate of the valuation list so sent to them by the assessment committee, shall immediately deposit it in the place in which the rate books of the parish are kept, and shall publish notice of such deposit, and of the time and mode of making appeals, and of the grounds on which an appeal is allowed by this Act to be made.

Deposit of list at office of the managers of metropolitan asylum district.

16. The certified valuation list so sent to the clerk of the managers of the metropolitan asylum district by the assessment committee shall be deposited at the office of such managers, and within the time in this Act mentioned shall be returned by such clerk to the same assessment committee.

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Printing and distribution of totals of gross and rateable value in valuation list.

17. The clerk of the managers of the metropolitan asylum district shall, within the time in this Act mentioned, cause the totals of the gross and rateable values of all the valuation lists to be printed, and a printed copy of all such totals to be sent to every assessment committee, and the overseers of every parish in the metropolis and in every county in which any parish to which any of such totals relate is situate, to the clerks of the peace for every such county, to the Commissioner of the Metropolitan Police, the Corporation of the City of London, the Metropolitan Board of Works, every district board in the metropolis, and the Poor Law Board. Every assessment committee, overseer, and ratepayer within the metropolis and every such county shall respectively be entitled to have printed copies of such totals on payment of one penny for each copy of all the said totals.

Appeals.—Special Sessions.

Clause B. Holding of special session to hear appeals.

18. In every petty sessional division in the metropolis the justices of the peace acting in and for such division shall, in every year at the time mentioned in this Act, hold a special sessions for hearing appeals under this Act against the valuation lists of the several parishes within such division.

Clause C. Persons entitled to appeal to special sessions.

19. Any ratepayer and any overseers of a parish, so far as respects the valuation list of such parish, and any surveyor of taxes, so far as respects the valuation list of any parish in the petty sessional division, may, if he or they feel aggrieved by any decision of the assessment committee on an objection made with respect to the unfairness or incorrectness of the valuation of any hereditament included in such list, but not otherwise, appeal against such decision to the special sessions. The right to appeal to special sessions shall not deprive a person of any other right of appeal conferred on him by this Act.

Clause D. Extent of jurisdiction of special sessions.

20. The justices in special sessions under this Act shall not hear any appeal touching any matter with respect to which notice of appeal to the general assessment sessions has been served in manner prescribed by this Act, and shall not hear any appeal touching any part or alter any part of the valuation list except the part relating to the value of an hereditament; and a decision of such justices and an alteration by them of the value of an hereditament in the valuation list of any parish shall affect only the rights of the ratepayers of such parish among themselves, and shall not of itself in any way alter the totals of the gross or rateable value of such list as settled by the assessment committee, but may form a reason for an appeal against such totals to the assessment sessions and superior court as herein-after mentioned.

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Clause E. Powers of special sessions.

21. The justices in special sessions under this Act may adjourn their court from time to time, as may be necessary for the performance of their duties under this Act. They shall have with respect to the attendance and examination of witnesses, the taking of evidence, the keeping order in court, the enforcing their orders, and all matters necessary for the execution of their duties under this Act, the same powers and jurisdiction as if they were assembled in petty sessions.

Clause F. Notice by special sessions of time of sitting.

22. The justices in special sessions shall send a written notice of the time and place at which they will hold a special sessions for the purpose of hearing appeals with respect to any parish to the overseers of such parish, who shall publish it as soon as it is received by them.

Appeals.—Assessment Sessions.

Clause G. Court of general assessment sessions.

23. For the purpose of hearing appeals under this Act against any valuation list in the Metropolis, the justices of the peace appointed as herein-after mentioned, shall at the time mentioned in this Act assemble and hold a court of general assessment sessions (in this Act referred to as the assessment sessions).

Clause H. Appointment of members of general assessment sessions.

24. The justices who are to form the court of general assessment sessions shall be appointed annually as follows:

1. Three justices of the peace of the county of Middlesex (of whom the assistant judge of the court of the sessions of the peace of the said county shall be one) shall be appointed by the court of general quarter sessions or general sessions of the peace for the county of Middlesex:
2. Two justices of the peace of the county of Surrey shall be appointed by the court of general or quarter sessions of the peace for the county of Surrey:
3. Two justices of the peace of the county of Kent shall be appointed by the court of general sessions of the county of Kent:
4. Two justices of the peace of the city of London shall be appointed by the court of the mayor and aldermen of the city of London in the inner chamber.

The said justices shall be appointed in the month of October in every year, or at such other time as may be from time to time fixed by the appointing body. They shall hold office for twelve months beginning on the first of November, and any casual vacancy may be filled up by the appointing body.

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Clause I. Officers of general assessment sessions.

25. The justices in assessment sessions may from time to time appoint, with the consent of the Poor Law Board, a clerk, and other persons to assist them in the performance of their duties under this Act, and may assign him or them such remuneration and such duties as the Poor Law Board may approve.

Clause K. Chairman, quorum, and powers of general assessment sessions.

26. The justices in assessment sessions may from time to time appoint one of their own number to act as their chairman, who shall have a second or casting vote, and they may from time to time determine on their quorum so that it be not less than three.

The court of general assessment sessions may adjourn from time to time, as may be necessary for the performance of their duties under this Act, and (for the purpose of giving judgment only) from place to place in the metropolis. They shall with respect to the attendance and examination of witnesses, to the taking of evidence, to the keeping of order in court, to contempt of court, to the enforcement of their orders, and to all matters necessary for the execution of their duties under this Act, have the same jurisdiction and powers and be in the same position as a court of quarter sessions; and, subject to the express provisions of this Act, shall conduct their proceedings, be convened, and be in the same position, as near as may be, as if they were a court of quarter sessions.

Clause L. Orders as to proceedings and recognizances on appeals.

27. The justices in assessment sessions may, with the approval of one of Her Majesty's Principal Secretaries of State, make order from time to time for the purpose of regulating the proceedings on appeals to them under this Act, and for determining the recognizances (if any) to be entered into by appellants in the case of appeals either to special sessions or to the assessment sessions.

Clause M. Fees on appeals under Act.

28. The justices in assessment sessions may make a table of the fees which in their opinion should be paid to the clerks of special sessions and to the clerk of assessment sessions in the case of appeals under this Act and shall lay such table before one of Her Majesty's Principal Secretaries of State in the same manner as the justices at quarter sessions may make and lay before such Secretary of State a table of fees, and all the provisions of section thirty of the Act of the session of the eleventh and twelfth years of Her Majesty's reign, chapter forty-three, (which section relates to a table of fees and to the prohibition of clerks taking other fees,) shall apply in the case of a table of fees made, and the business done by the said clerks under this Act.

All fees paid in the case of appeals to the assessment sessions shall be paid to the account of the receiver of the Metropolitan

Common Poor Fund, and shall be so paid and taken and accounted for in such manner as the Poor Law Board may from time to time by order prescribe. A.D. 1869.

Places for hearing appeals.

29. The justices in assessment sessions shall from time to time appoint the place in the metropolis where the appeals relating to each parish in the metropolis are to be heard, and may, if they think fit, divide the metropolis into districts for the purpose of appeals, and appoint one or more places for every such district.

Public notice of times of holding courts to be given.

30. The justices in assessment sessions shall cause public notice to be given of the several times at which they will sit at the several places appointed for the hearing of appeals; such notice may be given under the hand of their clerk, and shall be given by advertisement in some newspaper circulating generally in the metropolis, and by sending a copy of such notice to every surveyor of taxes in the metropolis, to every assessment committee which would have a right to appeal at such court, and to the overseers of every parish to which any appeal relates, and to all the parties to the appeal.

The overseers shall publish the notice as soon as it is received by them.

Summons of certain officers as witnesses.

31. The justices in assessment sessions may order any clerk to the commissioners of taxes, any surveyor of taxes, clerk of assessment committee, overseer, assistant overseer, or like officer in the metropolis to produce any documents relating to rates or taxes which such justices may consider necessary for determining an appeal, and do not relate to profits of trade or of concerns in the nature of trade.

Any person who refuses, after tender of a reasonable sum for his expenses, to obey any order under this section shall be liable (on summary conviction before the justices in assessment sessions or any other two justices) to a penalty not exceeding five pounds.

Persons entitled to appeal to assessment sessions.

32. Any ratepayer and any surveyor of taxes who feels aggrieved by any decision of the assessment committee, on an objection made before them to which he was a party, or by any decision of special sessions, whether he was a party or not, may appeal against such decision to the assessment sessions.

Any assessment committee in the metropolis, or in the county in which the parish to which the appeal relates is situate, any overseers in the metropolis or such county, with the consent of the vestry of their parish, any ratepayer in the metropolis or such county, and any body of persons authorized by law to levy rates or require contributions payable out of rates in the metropolis or such county,

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may appeal to the assessment sessions, if they or he feel aggrieved by reason—

(1.) of the total of the gross value of any parish being too high or too low:

(2.) of the total of the rateable value of any parish being too high or too low; or

(3.) of there being no approved valuation list for some parish.

Proceedings on Appeals.

Notice of appeal to special or assessment sessions.

33. Notice in writing of every appeal, whether to special sessions or the assessment sessions, specifying the correction which the appellant desires to have made in the valuation list, must be served, within the time in this Act mentioned, on the following persons; namely,

in all cases on the surveyor of taxes of the district to which the appeal relates, and on the clerk of the assessment committee which approved the list wholly or partly questioned by the appeal:

when the appeal relates to the unfairness or incorrectness of the valuation of, or to the omission of an hereditament occupied by any person other than the appellant, or to the incorrectness of any matter stated in the list with respect to any such hereditament, then on such person:

if an assessment committee or a surveyor of taxes is the appellant, then also on the overseers of the parish to which the appeal relates:

Provided that it shall not be necessary to serve any notice of appeal on the surveyor of taxes in any case in which the appeal relates only to the rateable value of any hereditament.

The clerk of the assessment committee, on receiving notice of an appeal, shall forthwith serve notice thereof on the clerk of the special sessions or of the assessment sessions, as the case may require.

Sessions to hear and determine appeals, and alter list accordingly.

34. The justices in special sessions and in assessment sessions respectively shall, in open court, hear and determine all appeals brought before them in such order as they may respectively from time to time appoint. They may adjourn the hearing from time to time, and to any day not later than the day before which all appeals to them are required by this Act to be heard; and in the case of assessment sessions for the purpose of obtaining the decision of any superior court to any day necessary for that purpose; and if from accident or mistake due notice of appeal has not been given, or if an additional notice of appeal appears to be required, they

may, if they think it just, order notice of appeal to be given. They may confirm or alter the valuation list, so far as it is questioned by the appeal, in such manner as they think just, but shall not make any alteration in contravention of this Act. The clerk of the assessment committee, or some deputy allowed by the assessment committee, shall attend the court with the valuation list to which the appeal relates, and any alteration shall be made by the justice acting as chairman of the sessions in that list, and the said justice shall place his initials against such alteration.

Making of valuation list where none approved. 25 & 26 Vict. c. 103. s. 33.

35. If it appears to the justices in assessment sessions on any appeal that there is no approved valuation list for some parish, they may appoint some proper person (with such remuneration as they may appoint) to make a valuation list. Such person shall have for that purpose the same powers and duties as overseers.

The valuation list so made shall be deposited and otherwise made known to the persons interested in such manner as the court may direct, but in manner as near as may be as is provided in this Act with respect to the list originally made.

The costs of making such valuation list shall be paid by the assessment committee who failed to approve the list, and shall be deemed part of their expenses under the principal Act.

Assessment sessions may, on application of party to appeal, order valuation. 15 & 16 Vict. c. 81. s. 18.

36. If any of the parties to the appeal apply to the justices in assessment sessions to direct a valuation of any hereditament with respect to which any appeal may be made, and if such applicant or applicants give such security as the court think proper to pay the costs of the valuation, the court may, in their discretion, appoint some proper person to make such valuation.

Adjournment to receive valuation list or valuation.

37. Where the court appoint a person to make a valuation list or a valuation, they may fix some subsequent day, either before or after the day before which all appeals are required by this Act to be heard, for receiving such valuation list or valuation, and may adjourn the hearing to that day.

Valuation to be in writing, person making it to have power to enter.

38. The person so appointed to make a valuation shall make his valuation in writing signed by him, showing the particulars of the hereditaments comprised therein, and the amounts at which he has valued the same respectively.

Such person may at all reasonable times, with or without assistants, enter upon any of the hereditaments directed to be valued, and may do thereon all acts necessary for completing the valuation.

Costs of appeal.

39. The costs of any appeal, including the costs of any such valuation as aforesaid, shall be in the discretion of the justices in special

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or assessment sessions (as the case may be), and shall be awarded by them to be paid by such parties to the appeal, and in such proportions, as they think just.

Costs (including the costs of making a valuation) so ordered to be paid may be recovered as if they had been awarded by a court of quarter sessions, and when ordered to be paid by parties other than a ratepayer shall be paid as in this Act mentioned.

Clause N. Appeal from decision of assessment sessions on points of law.

40. The same proceedings may be had by special case and certiorari or otherwise, for questioning any decision of the justices in assessment sessions as may be had for questioning any decision of the justices in general or quarter sessions, provided that every such certiorari shall be sued out within three months after the decision is given.

At any time after notice given of appeal under this Act to the assessment sessions, it shall be lawful for the parties by consent and by order of any judge of one of the superior courts of common law at Westminster, to state the facts of the case in the form of a special case for the opinion of any of those courts, and to agree that a judgment in conformity with the decision of that court, and for such costs as that court may adjudge may be entered on the application of either party at the meeting of the justices in assessment sessions, next or next but one after such decision has been given, and such judgment may be entered accordingly, and shall be of the same effect in all respects as if the same had been given by the assessment sessions, upon an appeal duly brought before them and adjourned; and the justices shall, if necessary, hold a sessions or an adjourned sessions for this purpose.

Notice in writing of the decision of any superior court in pursuance of this section shall be served by the clerk of the assessment sessions on the assessment committee which approved the list questioned on the appeal to such court.

Notice of alteration of list to be sent to overseers.

41. Notice of every alteration in the valuation list, which alteration is made in consequence of any decision on any appeal to the special sessions, assessment sessions, or a superior court, shall, as soon as possible, be sent in writing by the clerk of the assessment committee to the overseers and surveyor of taxes of the parish and district respectively to which the list which is so altered relates, and such alteration shall be entered by the clerk of the assessment committee and by the overseers on the duplicates respectively deposited with them.

Notice of every alteration in the total of the gross and rateable value of any valuation list, which alteration is made in consequence

of any decision on any appeal to the assessment sessions or a superior court, shall as soon as possible be sent in writing by the clerk of the assessment committee to the clerk of the managers of the Metropolitan Asylum District, and the clerk of such managers shall send in writing such altered total to every person and body of persons who has power to levy or make any rate or assessment or require any contribution based on such total.

Times for Proceedings.

Times within which proceedings in making valuation list are to be done.

42. With respect to the times within which proceedings under this Act and the Acts incorporated herewith are to be done, the following provisions shall have effect; that is to say,

(1.) The overseers shall make and deposit the valuation list before the first of June in the first year after the passing of this Act:

(2.) The overseers shall transmit the valuation list to the assessment committee not sooner than fourteen and not later than seventeen days after notice is given of the deposit of such list:

(3.) Notice of any objection by any person other than the surveyor of taxes and the overseers shall be given before the expiration of twenty-five days after the list is deposited:

(4.) The assessment committee shall revise the valuation list before the first of October in the same year, and before the same day, but not less than sixteen days after the transmission of the list to them by the overseers, shall hold a meeting for hearing objections to such list:

(5.) The assessment committee shall give notice of a meeting for hearing objections to a list not less than sixteen days before such meeting:

(6.) Notice of objection with respect to any list by the surveyor of taxes and by the overseers shall be given not less than seven days before the meeting at which objections to such list will be heard by the assessment committee:

(7.) The assessment committee shall send the valuation list to be re-deposited within three days after it is approved by them, and shall appoint a day not less than fourteen nor more than twenty-eight days after such re-deposit for hearing objections to the alterations, of which objections seven days notice shall be given by the objector:

(8.) The assessment committee shall finally approve and send the valuation list to the overseers, and the clerk of the

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managers of the metropolitan asylum district, before the first of November in the same year:

(9.) Notices of appeal to special sessions shall be given on or before the twenty-first of November in the same year:

(10.) The justices may hold the special sessions at any time after the thirtieth of November in the same year, which will enable them to determine all appeals before the ensuing first of January:

(11.) The clerk of the said manager shall send out the printed totals before the first of December in the same year, and shall return the valuation list to the assessment committee not sooner than fourteen nor later than twenty-one days after the totals are sent out:

(12.) Notices of appeals to assessment sessions shall be given on or before the fourteenth of January, in the same year:

(13.) The justices may hold the assessment sessions at any time after the first of February in the same year, which will enable them to determine all appeals (except where a valuation list or valuation is ordered) before the ensuing thirty-first of March:

(14.) Notice of the times at which the assessment sessions will be held at each place shall be given by the clerk ten days at least before the first court is held.

Effect of Valuation List.

Duration of valuation list.

43. The valuation list as approved by the assessment committee, and, if altered on any appeal under this Act to any sessions or a superior court, as so altered, shall come into force at the beginning of the year (commencing on the sixth of April) succeeding that in which it is made, and shall last for five years, subject to any alterations that may be made by any supplemental or provisional list as herein-after mentioned.

Rate to be levied notwithstanding appeal.

44. Notwithstanding any appeal under this Act which may be pending at the commencement of the year, the valuation list shall come into force unaltered, and every assessment, contribution, rate, and tax in respect of which the valuation list is conclusive shall be made, required, levied, and paid in accordance with such valuation list; and where in consequence of the decision on any appeal under this Act to assessment sessions or a superior court an alteration in such valuation list is made which alters the amount of the assessment, contribution, rate, or tax levied thereunder, the

difference, if too much has been paid, shall be repaid or allowed, and, if too little, shall be deemed to be arrears of the assessment, contribution, rate, or tax (except so far as any penalty is incurred on account of arrears), and shall be paid and recovered accordingly.

Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications.

45. The valuation list for the time being in force shall be deemed to have been duly made in accordance with this Act and the Acts incorporated herewith, and shall for all or any of the purposes in this section mentioned be conclusive evidence of the gross value and of the rateable value of the several hereditaments included therein, and of the fact that all hereditaments required to be inserted therein have been so inserted; that is to say,

(1.) For the purpose of any of the following rates which are made during the year that the list is in force, namely, the county rate, the metropolitan police rate, the church rate, the highway rate, the poor rate, the police, sewers, consolidated and other rates in the city of London, the sewers, lighting, general, and other rates levied by order of district boards or vestries, the main drainage improvement and other rates, and sums assessed on any part of the metropolis by the Metropolitan Board of Works, assessments for contributions under the Metropolitan Poor Act, 1867, and every other rate, assessment, and contribution levied, made, and required in the metropolis on the basis of value:

(2.) For the purpose of any of the following taxes which become chargeable during the year that the list is in force, namely,

(*a.*) The tax on houses levied under the House Tax Act and the Acts therein incorporated or referred to: 14 & 15 Vict. c. 36.

(*b.*) Any tax assessed in pursuance of the Income Tax Act, and any Acts continuing or amending the same, on any lands, tenements, and hereditaments, in all cases where the tax is charged on the gross value, and not on profits: 5 & 6 Vict. c. 35.

(3.) For the purpose of determining, so far as it is applicable, the value of any hereditament included therein for the purposes of the Acts relating to the sale of exciseable liquors, to the qualification of a juror, to the qualification of a vestryman, and an auditor of accounts under the Metropolis Management Act, 1855, and to the qualification of a guardian, at any time at which such value is required to be ascertained:

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10 Geo. 4. c. 44. And in construing the Metropolitan Police Act and the Acts amending the same, the last valuation for the time being acted upon in assessing the county rate shall be deemed to mean the valuation list for the time being in force:

15 & 16 Vict. c. 81. And in construing the County Rate Act and Acts referring to the valuation, estimate, basis, or standard for the county rate, the valuation, estimate, basis, or standard shall be deemed to be the rateable value stated in such list:

14 & 15 Vict. c. 36. And in construing the House Tax Act and the Acts therein incorporated or referred to, the full and just yearly rent shall be deemed to be the gross value stated in such list:

5 & 6 Vict. c. 35. And in construing the Income Tax Act and any Acts continuing or amending that Act, with respect to schedules A. and B. thereof, annual value shall be deemed to mean the gross value stated in such list.

Revision of Valuation List.

Mode of revising valuation list.

46. Every valuation list shall be revised in manner directed by this Act, and such revision in every period of five years (the first of such periods beginning with the sixth of April One thousand eight hundred and seventy-one) shall be conducted as follows:

(1.) In each of the first four years of such period a supplemental list shall, if necessary, be made out in the same form as the valuation list, and shall show all the alterations which have taken place during the preceding twelve months in any of the matters stated in the valuation list, but shall contain only the hereditaments affected by such alterations. If no alteration has taken place which makes a supplemental list necessary, the overseers shall send a certificate to that effect to the assessment committee in place of such list, which certificate may be in the form contained in the second schedule to this Act:

(2.) In the fifth year of every such period the overseers shall make a new valuation list:

(3.) The same regulations shall be observed and the same proceedings shall be had in the case of a supplemental list and a new valuation list as are directed by this Act and the Acts incorporated herewith in the case of the valuation list made in the first year after the passing of this Act:

(4.) A supplemental list and a new valuation list shall come into force at the beginning of the year succeeding that in which they are respectively made, in the same manner

and subject to the same conditions as the valuation list made in the first year after the passing of this Act:

(5.) In each year of such period after the first year the valuation list which was in force on the day before the commencement of that year, together with and as altered by the supplemental list, if any, which comes into force at the commencement of such year, shall be the valuation list which is in force during that year:

(6.) A new valuation list when it comes into force shall supersede the valuation list which was in force during the fifth year of such period.

Provision for valuing a house built between the times at which the valuation list is made.

47. If in the course of any year the value of any hereditament is increased by the addition thereto or erection thereon of any building, or is from any cause reduced in value, the following provisions shall have effect:

(1.) The overseers of the parish in which such hereditament is situate may, and on the written requisition of the assessment committee or of any ratepayer of the union or of the surveyor of taxes for the district shall, send to the assessment committee a provisional list containing the gross and rateable value as so increased or reduced of such hereditament:

(2.) A copy of the requisition shall be sent by the person making it to the clerk of the assessment committee, and if within fourteen days after the requisition has been served on the overseers they make default in sending such provisional list he shall forthwith summon the assessment committee, and the assessment committee shall appoint a person to make such provisional list, in the same manner as is in this Act provided in the case of the overseers failing to transmit a valuation list:

(3.) On the receipt of the list the clerk of the assessment committee shall serve on the surveyor of taxes for the district a copy of the list, and shall serve on the occupier of any hereditament to which the list relates a copy of so much thereof as relates to that hereditament. Every copy shall be accompanied by a notice specifying a day, being not less than fourteen days after the date of the service of the notice on or before which any objection to the provisional list may be made, and stating the mode in which an objection is to be made. Such copy and notice shall

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be served in the same way as notices by an assessment committee are served:

(4.) An objection may be made to any such provisional list by the said occupier, and by the surveyor of taxes, or by either of them, by notice thereof in writing being served on the clerk of the assessment committee, on the overseers, on the surveyor of taxes, and on the occupier, or on such of them as the case may require:

(5.) The clerk of the assessment committee, on the receipt of the notice of any objection, shall forthwith summon a meeting of the committee, and give notice of the time and place of such meeting to the overseers, to the surveyor of taxes, and the occupier:

(6.) The committee shall hear and determine on the objection in the same manner as if it were an objection to a valuation list, and may make such order as they think just:

(7.) If no objection is made, then on the expiration of the time for making objections, or if an objection is made then as soon as the assessment committee have determined on the objection, the assessment committee shall cause a copy to be made of the provisional list, with any alteration made in it by the committee, and shall return the list and the copy thereof, after being dated and signed by their clerk, to the overseers:

(8.) A provisional list, signed as aforesaid, shall have operation from the date of the service by the clerk of the assessment committee of a copy of the list and notice on the occupier, and shall continue in force until the first list (supplemental or other) which is subsequently made comes into force:

(9.) A provisional list during the time that it is in force shall be deemed to form part of the valuation list for the time being in force, and shall (so far as is necessary) be substituted for so much of that valuation list as relates to the same hereditament, and every rate and tax in respect of which the valuation list is conclusive, which are respectively made or charged after the provisional list comes into force, shall be levied accordingly; but if when the next revision of the valuation list takes place the list as approved and altered on appeal contains a smaller value for the hereditament comprised in a provisional list than the value stated

in such provisional list, the amount of rate or tax which has been overpaid in consequence of the larger value having been stated shall be repaid or allowed:

Expenses.

(10.) Nothing in this section shall affect the value on which any rate is made or sum is assessed or contribution required which is made, assessed, or required on the totals of the gross or rateable value of parishes or unions.

Expenses.

Costs of appeal, &c.

48. The costs of an appeal awarded against or incurred by any assessment committee or overseers shall be deemed to be expenses incurred under this Act and the Acts incorporated herewith, and shall be raised and paid accordingly.

Any costs or expenses awarded against or incurred by any surveyor of taxes shall be defrayed in the same manner as expenses are directed to be defrayed by the Acts relating to the taxes in respect of which the valuation list is made conclusive.

Inland Revenue may make allowances for expenses of Act. 5 & 6 Vict. c. 35. s. 186.

49. The Commissioners of Inland Revenue may make such allowances as they think fit for remunerating any person employed by them in the execution of this Act, and for the discharge of any costs or expenses incurred by him.

50. The expenses of the assessment sessions and such remuneration as the Poor Law Board may from time to time allow to the clerk of the managers of the metropolitan asylum district, the clerk of the assessment sessions, and persons appointed to assist the assessment sessions as provided by this Act, and such costs and expenses incurred by such clerks and persons under this Act as the Poor Law Board may allow, after such audit as the Poor Law Board may direct, shall be paid by the receiver of the Metropolitan Common Poor Fund, out of any moneys for the time being in his hands, and shall be paid at such times and in such manner and upon such precept of the Poor Law Board as the Poor Law Board may from time to time prescribe, and the Poor Law Board may require contributions for the purpose of raising such remuneration, expenses, and costs.

Rules for formation of Valuation List.

Form and contents of valuation list.

51. The valuation list shall be made out in the form given in the second schedule to this Act.

The overseers shall not include in such valuation list any hereditaments (except tithes or payment in lieu of tithes) which are charged according to Rule two in section sixty of the Income Tax Act, but shall include tithes and payments in lieu of tithes

5 & 6 Vict. c. 35.

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and every hereditament in their parish and shall enter every hereditament in the valuation list in accordance with the classes mentioned in the third schedule to this Act, so that the deductions to be made in ascertaining the rateable value may be calculated in accordance with that schedule.

Gross value not to be less than the rent with certain exceptions.

52. In calculating the gross value for the purposes of this Act the annual rent which a tenant might reasonably be expected to pay shall not be less than the actual rent: Provided that—

(1.) Proper deductions shall nevertheless be made in such calculation where the landlord undertakes to pay any tenant's rates or taxes, or any tithe commutation rentcharge:

(2.) Proper deductions shall nevertheless be made in such calculation where the rent paid for a house and premises includes any sum for the use of furniture, gas, water, servants, or matters other than the use of the house unfurnished:

(3.) The gross value of a house shall

(*a.*) if occupied by one occupier paying rent weekly, be estimated according to the rent which a tenant might reasonably be expected to pay if he took the house as a yearly tenant:

(*b.*) if let out in separate apartments or lodgings to occupiers paying rent weekly, be estimated according to the rent which a tenant who would underlet to such occupiers might reasonably be expected to pay if he took the house as a yearly tenant;

but proper deductions may be made as before provided in this section and the gross value so estimated shall not be less than eighty per cent. of the aggregate rents (after making the said deductions) which would be payable by such weekly occupiers if they continued in occupation during every week in the twelve months.

Deductions for rateable value.

53. The per-centage or rate of deductions to be made from the gross value in calculating the rateable value for the purposes of this Act shall not exceed the amounts in the third schedule to this Act, so far as the same are applicable.

Provided that, where it can be shown by a tenant having a lease of a house that the house has, by circumstances beyond the control of himself or of the owner, become depreciated in value since he took the lease, there may be made in respect of such depreciation

such further deduction as having regard to the circumstances may be reasonable.

Value of tithe rentcharge may be calculated on three years average.

54. In calculating for the purposes of this Act the gross value of any tithe commutation rentcharge the average amount which (according to the septennial averages of the price of corn) has been payable in respect of such rentcharge during the sixty months ending on the twenty-fifth of December next before the time at which the valuation list is made shall be adopted; and the gross value so calculated, and the rateable value deduced therefrom, shall remain unaltered until the next new valuation list is made; and the overseers shall not insert such rentcharge in a supplemental list on account of any variation in its value, whether arising from the variation of the septennial average of the price of corn or otherwise.

Deductions to be made to ascertain gross and rateable value of tithe rentcharge.

55. In calculating the gross value of a tithe rentcharge there shall be deducted from the total of the average annual amount of such rentcharge all tenants rates and taxes, tenths, first fruits, synodals, and other ecclesiastical dues payable in respect of such tithe rentcharge, and the cost of the repairs of a chancel, if the rentcharge is liable to bear the cost of such repairs.

In calculating the rateable value of a tithe rentcharge there shall be deducted from the gross value, calculated as aforesaid, the amount of the costs of collection.

The amount of the deductions to be made as aforesaid for the purpose of calculating the gross value and rateable value of a tithe rentcharge shall be determined by the average amount payable in respect of each item during the period taken for ascertaining the average amount of the rentcharge.

Amount of gross value specified by the surveyor of taxes to be inserted, unless disproved.

56. When a surveyor of taxes gives notice of objection or of appeal, the amount specified in the notice as being in his judgment the gross value of any hereditament referred to in the notice shall be inserted in the valuation list by the assessment committee, special sessions, or assessment sessions, unless it is proved to the satisfaction of the assessment committee, special sessions, or assessment sessions, that such amount ought not to be so inserted.

Saving of exemptions and exceptional principles of valuation.

57. Nothing contained in this Act or the Acts incorporated herewith shall affect any exemption or deduction from or allowance out of any rate or tax whatever, or any privilege of or provision for being rated or taxed on any exceptional principle of valuation.

Returns.

Occupier to make returns.

58. In the first year after the passing of this Act, and in every subsequent year in which a new valuation list is made, or in the

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5 & 6 Vict. c. 35. ss. 48., 52.

month of March preceding any such year, every person who is liable to be charged with any rate or tax in respect of which the valuation list is made conclusive, shall, when required, make to the overseers of his parish such statement or return as a person chargeable under the Income Tax Act and the Acts amending the same is bound to make.

Surveyor of taxes to supply notices and forms for returns to overseers, who are to serve them.

59. For the purpose of securing the proper making of such returns, the surveyor of taxes shall in the month of February preceding send to the overseers of each parish in his district, a sufficient number of printed forms and notices, and the overseers within a month after the receipt thereof, shall serve a notice and form on every person in their parish required by this Act to make a return; and every person required by this Act to make a return shall make it within twenty-one days after the service of a notice and form on him.

The forms and notices shall be such as are prescribed by the Income Tax Act or the Acts amending the same, or as the Commissioners of Her Majesty's Treasury may from time to time prescribe, and any such form duly filled up and signed shall be deemed to be a sufficient return.

The return shall be delivered to the overseers of each parish, and together with the valuation list shall be sent by them to the surveyor of taxes, and by the surveyor of taxes to the assessment committee.

Assessment committee may require returns from owner and occupier.

17 & 18 Vict. c. 91. s. 7. (as to Scotland).

5 & 6 Vict. c. 35. ss. 66, 67.

60. An assessment committee may, by order, require any person who is the owner or occupier or reputed owner or occupier of any hereditament in their union to send them a return in writing of all or any of the following things; viz., of the rent receivable or payable by him (as the case may be) for such hereditament, and of the person entitled to any tithe rentcharge charged on such hereditament, and of the amount of the same, and of the several persons by whom any tithe rentcharge is paid to him, and of the amounts paid by each such person, and of any other particulars respecting such hereditament as are required for the due execution of this Act and the Acts incorporated herewith. And every such owner or occupier shall obey such order within fourteen days after the service thereof on him.

Penalty for no or false returns.

61. If any person wilfully refuses or neglects to make any return lawfully required under this Act within the times respectively limited by this Act in that behalf, he shall be liable, on summary conviction, to a penalty not exceeding five pounds.

If any person wilfully makes or causes to be made a false return,

he shall be liable, on summary conviction, to a penalty not exceeding ten pounds. A.D. 1869.

Miscellaneous.

62. With respect to any parish which is not included in any union of parishes, and in which there is no board of guardians, the following provisions shall have effect: Provision for cases where no guardians and where no overseers.

(1.) The assessment committee of the adjoining union shall act as the assessment committee of that parish, and where there is more than one such adjoining union the Poor Law Board shall determine the assessment committee which is to act for such parish:

(2.) Every such parish shall, for the purposes of this Act and the Acts incorporated herewith, but not for any other purpose, be deemed to be within the union of the assessment committee which acts for it:

(3.) The masters of the bench, treasurer, governors, or other body of persons in such parish, may, at the time appointed for the election of an assessment committee, appoint a person to be a member of such assessment committee in addition to the number elected under this Act and the Acts incorporated herewith:

(4.) Where there are no overseers the assessment committee shall appoint some person to perform the duties of the overseers under this Act and the Acts incorporated herewith, and may award him such remuneration as they think fit; and the person so appointed shall perform those duties, and shall, for that purpose, have all the powers of overseers:

(5.) A proportionate share of the expenses of the assessment committee under this Act and the Acts incorporated herewith, and any remuneration paid to or expenses incurred by the person appointed by them under this or any other section to make a valuation list, shall be charged on such parish, and the sums so charged shall be paid by the masters of the bench, treasurer, governor, or other body of persons; and sections sixty-six, sixty-seven, and sixty-eight of the Metropolitan Poor Act, 1867, shall apply to such sums in the same manner as if the assessment committee and their clerk were the Poor Law Board and the receiver mentioned in those sections.

Clause O. Provision where vestry

63. Where the vestry or the guardians of any parish perform the duties of overseers with respect to a valuation list under this

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Act the list shall be signed by the clerk of the vestry or the clerk of the guardians.

are the overseers.

Assessment committee and overseers may give security for costs of valuation.

64. Every assessment committee, with the consent of the guardians, and every overseer, with the consent of the vestry of his parish, may, for the purposes of any application for a valuation on any appeal, give security for paying the costs of such valuation. An assessment committee may give such security and may appear on any appeal by their clerk, and shall indemnify the said clerk against all moneys, losses, and costs paid or incurred by him in consequence of such security or appearance.

Use of public room for appeals, &c.

65. Any room maintained out of the proceeds of any rate levied wholly or partly in the metropolis may (with the consent of the person or body corporate having the control of it) be used for hearing appeals, and for other purposes of this Act.

Evidence of valuation list, &c.

66. A valuation list may be proved by the production of a duplicate or copy of such list purporting to be certified to be a duplicate or a true copy by the clerk of the assessment committee that approved it, and such certificate shall state that the alterations (if any) made in the list in consequence of the decision on any appeal under this Act have been correctly made in the duplicate or copy so produced, and the clerk on application shall furnish a copy to any overseers on payment of a sum not exceeding the rate of three shillings for every hundred entries numbered separately. A provisional list may be proved by the production of a duplicate or copy thereof purporting to be certified to be a true copy by the clerk of the committee who signed it.

Service of notices, &c. by post, &c.

67. All orders and notices under this Act and the Acts incorporated herewith shall be in writing or print, or partly in writing and partly in print, and if made or given by an assessment committee shall be sufficiently authenticated if signed by their clerk; and all orders, notices, and documents required by the same Acts to be served on or sent to any person or body of persons corporate or unincorporate may be either delivered to such person or the clerk of such body, or left at the usual place of abode of such person or clerk, or at the office of such clerk or body, or (if such abode or office cannot on reasonable inquiry be discovered) at the premises to which the order, notice, or document relates.

They may also be served and sent by post, by a prepaid letter, addressed to such person, or to the office of such body or their clerk, and, if sent by post, shall be deemed to have been served and received

respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and prepaid and put into the post.

Publication of notices by overseers. 25 & 26 Vict. c. 103. s. 19.

68. Any notice required by this Act to be published by the overseers shall, on the Sunday next following the receipt of such notice, or the document to which the notice refers, and the two following Sundays, be published by them in the manner in which notice of a rate allowed by justices is required to be published.

Inspection, &c. of documents deposited with rate books.

69. Where any documents are required by this Act to be deposited in the same place in a parish in which rate books are kept, every ratepayer shall be at liberty to inspect and take copies of or extracts from such documents at any reasonable time, without fee or charge.

Valuation lists to be equivalent to rate books of parish.

70. The duplicate of the valuation list, approved by the assessment committee, and sent to the overseers, as directed by this Act, the notices of alterations made on any appeal under this Act, and any provisional list, shall for all purposes be deemed to be part of the rate books of the parish, and shall be produced by the overseers before the justices upon any application for allowance of rates, and on any appeal under this or any other Act, and on any other occasion if so required, on which they are bound to produce such rate books, and any overseer who fails to produce such list in accordance with the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds.

Ratepayer, &c. may inspect documents, &c. in hands of clerk of managers or assessment committee.

71. Any ratepayer, overseer, or surveyor of taxes in the metropolis may, at all reasonable times, without payment, inspect and take copies of and extracts from all valuation lists and documents, which in pursuance of this Act are under the control of the clerk of the managers of the metropolitan asylum district, or of the clerk of the assessment sessions.

Any surveyor of taxes and any guardian and any overseer in a union, without payment, and any ratepayer in a union on payment of a fee not exceeding one shilling (to be carried to the common fund), may at any reasonable time inspect and take copies of and extracts from any valuation lists, notices of objection, returns, and other documents in the possession or under the control of the assessment committee of that union.

Any person who hinders a ratepayer, overseer, or surveyor of taxes from so inspecting or taking copies of or extracts from any valuation list or document, or demands where not authorized by

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this Act a fee for allowing him so to do, shall be liable on summary conviction to a penalty not exceeding five pounds for each offence.

Clause P. Owner where rated to be in position of occupier.

72. Where the owner of any hereditament is liable to be assessed to or to pay any rate or tax in the place of the occupier, such owner shall for the purposes of this Act and the Acts incorporated herewith be deemed to be the occupier.

Clause Q. Amendment of error in rate by two justices.

73. Any person who feels aggrieved by reason of any clerical or arithmetical error in a rate in the metropolis may apply to two justices of the peace or a magistrate sitting at any police court in the metropolitan police district, who, after the applicant has given such notice to the overseers who made the rate and such persons as they or he think just, may hear the case in like manner as in the case of summary proceedings, and amend the rate so far as respects such error.

Form of rate and declaration. 25 & 26 Vict. c. 10. s. 128. 27 & 28 Vict. c. 39. s. 11.

74. Every poor rate made in the metropolis after the fifth of April one thousand eight hundred and seventy-one shall contain the particulars specified in the fourth schedule to this Act, together with such other particulars as the Poor Law Board may from time to time by order direct, and the overseers shall sign the form of declaration which is given in that schedule before the rate is allowed by the justices. And the justices shall not allow any rate at the foot of which the said declaration has not been added and signed.

Any overseer who wilfully omits to make the said declaration or makes the same falsely shall be liable on summary conviction to a penalty not exceeding five pounds.

Amendment of 25 & 26 Vict. c. 103. s. 11.

75. The entry of the proceedings of the assessment committee at any meeting, and of the names of the members who attend that meeting, may be signed by the chairman of the next meeting of the committee, and every entry and minute purporting to be so signed shall be received in evidence in the same manner as if such entry or minute had been signed by the chairman of the meeting at which the proceedings took place, and the members were present.

Saving of powers to value property not included in a valuation list.

76. Nothing in this Act shall in any way alter or affect the mode of valuing or taxing any hereditament which is not included in any valuation list, or which is chargeable according to the profits and not according to the gross value, or the mode of charging the occupiers of land subject to a tithe rentcharge in respect of such tithe rentcharge.

Separate assessment of houses for

77. Where for the purposes of the Acts relating to the duty on inhabited houses, or to the duties charged under schedule B. of the

Income Tax Act, or to the sale of exciseable liquors, it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list, the value of such hereditament shall be ascertained in the same manner as if this Act had not passed.

purposes of house duty, income tax under Schedule B. (5 & 6 Vict. c. 35.), and Licensing Acts.

Repeal of Acts.

78. The Acts and parts of Acts specified in the fifth schedule to this Act, and so much of any other Acts, whether public or local and personal, as authorizes any valuation of hereditaments to be made for the purposes of any rate or tax in respect of which the valuation list is by this Act made conclusive, are hereby repealed, where they relate only to the metropolis absolutely, and in other cases so far as they relate to the metropolis: Provided—

Repeal of Acts.

1. That the provisions of the Acts so repealed shall remain in force until the provision or provisions substituted for them by this Act shall respectively come into operation:
2. That this repeal shall not affect the validity or invalidity of anything done or suffered under any of the said provisions while they remain in force, or any right or title acquired or accrued under any of the said provisions while they remain in force, or any remedy or proceeding in respect thereof.

FIRST SCHEDULE.

Date of Act.	Short title used in this Act.
10 Geo. 4. c. 44.	The Metropolitan Police Act.
5 & 6 Vict. c. 35.	The Income Tax Act.
14 & 15 Vict. c. 36.	The House Tax Act.
15 & 16 Vict. c. 81.	The County Rate Act.

SECOND SCHEDULE.

PART I.

VALUATION LIST for [*the parish or place for which the list is made*] in the Metropolitan Union of [*or* not being in Union] in the County of .

Number.	Name of occupier.	Name of owner.	Description of property.	No. of class.	Name or situation of property.	Extent.	Gross value as estimated by overseers.	Gross value as estimated by surveyor of taxes.	Rate of deduction per cent.	Rateable value.	Gross value as finally determined by Assessment Committee.	Rateable value as finally determined by Asessment Committee.

Signed this day of .

A.B., *C.D.* } Overseers of the poor of the parish aforesaid.

We do hereby approve the above valuation list, and certify that in determining the gross and rateable value of the above hereditaments the provisions of the Valuation (Metropolis) Act, 1869, have been duly complied with.

Signed this day of .

A.B., *C.D.*, *E.F.* } Members of the Assessment Committee of the Union.

Note.—The two last of the above columns (for gross and rateable value as determined by Assessment Committee) must be filled up, and the totals of those columns must be added up after the objections to the alterations have (if any) been heard, and before the list is finally approved.

PART II.

Form of Certificate, where no supplemental list is sent.

We, the overseers of the parish of , do hereby certify that no alteration has taken place in the matters stated in the valuation list of this parish which renders a supplemental list necessary.

A.B., *C.D.* } Overseers of the parish of .

THIRD SCHEDULE,

Showing the several classes into which the hereditaments inserted in a valuation list under this Act are to be divided.

	Maximum rate of deductions.
	Per cent. or proportion.
Class 1. Houses and buildings, or either of them, without land other than gardens where the gross value is under 20*l.*	25 or $\frac{1}{4}$th.
„ 2. Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty where the gross value is 20*l.* and under 40*l.*	20 or $\frac{1}{5}$th.
„ 3. Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty where the gross value is 40*l.* or upwards	$16\frac{2}{3}$ or $\frac{1}{6}$th.
„ 4. Buildings without land which are not liable to inhabited house duty and are of a gross value of 20*l.* and under 40*l.*	20 or $\frac{1}{5}$th.
„ 5. Buildings without land which are not liable to inhabited house duty and are of a gross value of 40*l.* or upwards	$16\frac{2}{3}$ or $\frac{1}{6}$th.
„ 6. Land with buildings not houses	10 or $\frac{1}{10}$th.
„ 7. Land without buildings	5 or $\frac{1}{20}$th.
„ 8. Mills and manufactories	$33\frac{1}{3}$ or $\frac{1}{3}$rd.
„ 9. Tithes, tithe commutation rentcharge, and other payments in lieu of tithe	Deductions in respect to this class to be made in conformity with section 55
„ 10. Railways, canals, docks, tolls, waterworks, and gasworks	To be determined in each case according to the circumstances and the general principles of law.
„ 11. Rateable hereditaments not included in any of the foregoing classes	

FOURTH SCHEDULE.

Form of Rate.

Rate for the Relief of the Poor of the Parish of in the Union, and for other purposes chargeable thereon, according to law made this day of in the year of our Lord 18 , after the rate of in the pound, which is estimated to meet all the expenses for the above purposes which will be incurred before the of next.

No.	Name of occupier.	Name of owner.	Description of property rated.	Name or situation of property.	Rateable value.	Rate at in the pound.	

Declaration to be added to the Rate.

We, the undersigned, do hereby declare that one of us, or some person on our behalf, has examined and compared the several particulars in the respective columns of the above rate with the valuation list made under the authority of the Valuation (Metropolis) Act, 1869, and now in force in this parish (*or* township), and the several hereditaments are, to the best of our belief rated according to the value appearing in such valuation list, and do declare that the total of the above rate amounts to pounds shillings and pence.

_____ } Churchwardens.

_____ } Overseers.

FIFTH SCHEDULE.

43 Geo. 3. c. 161.	An Act for repealing the several duties under the management of the commissioners for the affairs of taxes, and granting new duties in lieu thereof; for granting new duties in certain cases therein mentioned; for repealing the duties of excise on licences, and on carriages constructed by coachmakers, and granting new duties thereon under the management of the said commissioners for the affairs of taxes, and also new duties on persons selling carriages by auction or on commission - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
48 Geo. 3. c. 55.	An Act for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof, and certain additional duties to be consolidated therewith; and also for repealing the stamp duties on game certificates, and granting new duties in lieu thereof, to be placed under the management of the commissioners for the affairs of taxes - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
57 Geo. 3. c. 25.	An Act to explain and amend an Act made in the forty-eighth year of His present Majesty for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof; and to exempt such dwelling houses as may be employed for the sole purpose of trade, or of lodging goods, wares, or merchandise, from the duties charged by the said Act - - - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
10 Geo. 4. c. 44.	An Act for improving the police in and near the metropolis - - - - - - -	in part, namely,—
	So much of sections thirty and thirty-two as relates to the ascertaining the value of any hereditaments with respect to the value of which the valuation list is made conclusive.	
6 & 7 W. 4. c. 96.	An Act to regulate parochial assessments - -	in part, namely,—
	Sections one, two, six, seven, and nine.	

5 & 6 Vict. c. 35.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices until the sixth day of April one thousand eight hundred and forty-five (in this Act called the Income Tax Act) - - - - -	in part, namely,—
	Section sixty. No. I. No. II. par. 1, 3. No. IV. par. 2, 4. No. V. (so far as respects the deductions allowed by this Act.)	
	Section sixty-three. No. X. par. 1, 2, 3, 4.	
	Sections sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-eight, eighty-one, eighty-two, eighty-seven, and any other part which relates to the ascertaining of the value of lands, tenements, and hereditaments with respect to the value of which the valuation list is made conclusive.	
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847 - -	in part, namely,—
	Sections one hundred and seventy-six, one hundred and seventy-seven, and every other part which relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive.	
	And so much of any other Act as incorporates those sections and such other part.	
14 & 15 Vict. c. 36.	An Act to repeal the duties payable on dwelling houses according to the number of windows or lights, and to grant in lieu thereof other duties on inhabited houses according to their annual value (in this Act called the House Tax Act) - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
15 & 16 Vict. c. 81.	An Act to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales (in this Act called the County Rate Act) - - - - -	in part, namely,—
	So much of sections one to twenty, both inclusive, as relates to the preparation of a basis or standard of county rate for any part of the Metropolis, and sections forty to forty-three, both inclusive.	
16 & 17 Vict. c. 34.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices	in part, namely,—
	Sections thirty-two and forty-seven, and so much of the rest of the Act as relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive.	
18 & 19 Vict. c. 120.	An Act for the better local management of the metropolis (Metropolis Management Act, 1855) - -	in part, namely,—
	So much of sections one hundred and seventy-five and one hundred and seventy-nine as relates to ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive.	
20 & 21 Vict. c. 64.	An Act for raising a sum of money for building and improving stations of the metropolitan police, and to amend the Acts concerning the metropolitan police - - - - - -	in part, namely,—
	Sections eleven and twelve.	

21 & 22 Vict. c. 33.	An Act for the better management of county rates - Section one.	in part, namely,—
25 & 26 Vict. c. 102.	An Act to amend the Metropolis Local Management Acts (The Metropolis Management Amendment Act, 1862) - - - - - - So much of sections six, seven, and thirteen as authorizes or relates to the ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive, and so much of any Act as applies the provisions hereby repealed.	in part, namely,—
25 & 26 Vict. c. 103.	The Union Assessment Committee Act, 1862 - - Sections three, fourteen, fifteen, the following words in section seventeen, "and a copy of such valuation list shall be forthwith delivered to the board of guardians," sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, section twenty-eight down to "schedule hereunto annexed," sections twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-nine, forty-one, forty-two, forty-three, and forty-five.	in part, namely,—
27 & 28 Vict. c. 39.	The Union Assessment Committee Amendment Act, 1864 - - - - - - Sections one, nine, and eleven.	in part, namely,—
29 & 30 Vict. c. 64.	An Act to amend the laws relating to the Inland Revenue - - - - - - Section seventeen, so far as it relates to the value of property.	in part, namely,—
29 & 30 Vict. c. 78.	The County Rate Act, 1866 - - - - - - Section one.	in part, namely,—
31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868 - - - Sections thirty and thirty-one.	in part, namely,—

Valuation of Property (Metropolis).

A

B I L L

[AS AMENDED IN COMMITTEE]

To provide for Uniformity in the Assessment of Rateable Property in the Metropolis.

(*Prepared and brought in by Mr. Goschen, Mr. Arthur Peel, and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed*, 30 *April* 1869.

[Bill 100.]

Under 5 *oz.*

A

B I L L

TO

Amend the Volunteer Act, 1863.

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Volunteer Act, 1869."

Construction of Act. 26 & 27 Vict. c. 65.

2. This Act shall be construed as one with the Volunteer Act, 1863, in this Act referred to as the principal Act, and that Act and this Act may be cited together as The Volunteer Acts, 1863 and 1869.

Remedy for non-delivery of arms, &c. on demand.

3. Where any person neglects or refuses,—on demand made by one of Her Majesty's Principal Secretaries of State, or any person authorized in writing by him, or on demand made by the commanding officer or adjutant of a volunteer corps or administrative regiment,—to deliver up any property (whether arms, clothing, appointments, ammunition, or public stores,) which is public property, or the property of such corps or administrative regiment, and has been issued to such person or is in his possession or keeping as an officer or volunteer, any justice of the peace may, upon reasonable ground being shown for a suspicion that the property is to be found on any premises, issue a warrant under his hand empowering the person therein named to enter upon such premises and search for the property, and the person so empowered may enter and search accordingly, and shall seize such property, if found, and remove the same with all convenient speed to such place as may be directed by the Secretary of State, person, officer, or adjutant who made the demand.

Notwithstanding any such seizure and removal, the same penalty may be enforced against any person and the value of any such property may be recovered from the person neglecting or refusing

A.D. 1869.

as aforesaid, in the same manner as it might have been under the principal Act if this Act had not passed.

The jurisdiction under this section may be exercised by any sheriff or magistrate who under the principal Act has jurisdiction with respect to the recovery of a penalty.

Mode of making demand.

4. A demand for the purposes of this Act may be made by the delivery of a written notice to the person upon whom the demand is made, or by leaving the same at his usual or last known place of abode, or, if no such abode is known, by affixing the same at the orderly room of the corps or regiment to which he belongs or belonged, or at the place where notices relating to such corps or regiment are usually affixed.

Wrongful pawning of arms, &c. by volunteers.

5. Section twenty nine of the principal Act, which relates to the wrongful buying and selling of any property (whether arms, clothing, appointments, ammunition, or public stores,) which is public property or the property of a corps or administrative regiment shall extend to the pawning and taking in pawn of such property; and the said section shall be construed as if the words "buy," "sell," and "selling" included take in pawn, pawn, and pawning respectively.

Appearance of commanding officer by adjutant, &c.

6. The commanding officer of any corps or administrative regiment may appear in any court or before any justice, sheriff, or magistrate, by the adjutant or sergeant-major of such corps or regiment, or any member of such corps or regiment authorized in writing under the hand of such commanding officer.

Volunteer Act (1863) Amendment.

A

B I L L

To amend the Volunteer Act, 1863.

(*Prepared and brought in by Capt. Vivian and Mr. Secretary Cardwell.*)

Ordered, by The House of Commons, *to be Printed,* 22 *July* 1869.

[Bill 236.]

Under 1 *oz.*

Warehousing of Wines and Spirits, &c. Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preliminary.

1. Short title.

PART I.

Warehousing.

2. Commencement of Part I. of Act.
3. Interpretation of terms.
4. Warehousing of foreign spirits and wine in bond in excise warehouses.
5. Collection of duties.
6. Repeal of existing charges on delivery of goods for home consumption.
7. Scale of charges on delivery of goods for home consumption from customs and excise warehouses.
8. Deposit of spirits of wine in excise warehouse.
9. Application of enactments to foreign spirits and wine in excise warehouses.
10. Application of enactments relating to British spirits.
11. Regulations by Commissioners of Inland Revenue, &c.
12. Extension of existing bonds by proprietors or tenants of excise warehouses.

PART II.

Amendment of Customs and Excise Law.

13. Power to dispense with master's attendance at Custom House to verify contents of ship.
14. Explanation of the repeal of 5 & 6 Vict. c. 79. by 32 & 33 Vict. c. 14.
15. Explaining the seventh section of 18 & 19 Vict. c. 38. relating to stocks of makers of methylated spirits.

A

B I L L

TO

Amend the Law relating to the Warehousing of Wines and Spirits in Customs and Excise Warehouses, and for other purposes relating to Customs and Inland Revenue. A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited as "The Customs and Excise Warehousing Act, 1869." Short title.

Part I.

Warehousing.

2. This part of this Act shall not come into operation until the *first of October one thousand eight hundred and sixty-nine*, which date is herein-after referred to as the commencement of this part of this Act. Commencement of Part I. of Act.

3. In this part of this Act— Interpretation of terms.

The term "foreign spirits" means all spirits and strong waters liable to a duty of customs:

The term "wine" means all wine liable to a duty of customs:

The term "British spirits" means and includes all plain spirits liable to a duty of excise, and such spirits when rectified or compounded:

The term "excise warehouse" means a warehouse approved by the Commissioners of Inland Revenue as a general excise warehouse for the deposit of spirits:

The term "customs warehouse" means a warehouse approved by the Commissioners of Customs as a warehouse for the deposit of spirits and wines.

A.D. 1869.

Warehousing of foreign spirits and wine in bond in excise warehouses.

4. Subject to any regulations which may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively, any foreign spirits and wine of which an account has been taken by the proper officer of customs may, upon the prescribed bond being given, without payment of duty, be removed to any excise warehouse, and be removed from thence to any other excise warehouse or to any customs warehouse, or for exportation, or for use as ship's stores, and may, upon payment of the proper duties of customs, be delivered for home consumption.

Collection of duties.

5. The said duties shall be ascertained according to the laws and regulations for the time being in force with respect to the like spirits or wine delivered for home consumption from a customs warehouse, and shall be collected by the officers of excise under the directions of the Commissioners of Inland Revenue, and shall be from time to time paid into the Bank of England to the account of the Receiver General of Customs.

A separate account of such duties shall be kept and furnished to the Commissioners of Customs by the Commissioners of Inland Revenue.

Repeal of existing charges on delivery of goods for home consumption. 23 & 24 Vict. c. 22. s. 15. 23 & 24 Vict. c. 110. s. 1. 28 & 29 Vict. c. 98.

6. The following enactments, namely,—

(1.) Section fifteen of "The Customs Tariff Amendment Act, 1860:"

(2.) So much of section one of "The Customs Duties Consolidation Act, 1860," as relates to charges on goods on delivery from warehouse for home consumption; and

(3.) Section six of the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter ninety-eight, "to allow British compounded spirits to be warehoused upon drawback,"

are hereby repealed.

Scale of charges on delivery of goods for home consumption from customs and excise warehouses.

7. *There shall be charged upon the goods herein-after mentioned, upon the delivery of the same for home consumption from any customs or excise warehouse, in addition to the duties of customs or excise payable in respect of such goods, and any other charges thereon, the rates following for every full sum of one hundred pounds, and in proportion for any fractional part of one hundred pounds of the amount of such duties, namely:*

For Goods liable to Duties of Customs.

	£	*s.*	*d.*
In respect of tobacco - - -	*0*	*2*	*6*
In respect of other goods - - -	*0*	*5*	*0*

For Goods liable to Duties of Excise.

	£	s.	d.
In respect of British compounded spirits -	*0*	*5*	*0*

and such rates shall be deemed to be duties of customs or excise according as the same become payable in respect of goods delivered from a customs or excise warehouse.

Deposit of spirits of wine in excise warehouse.

8. Spirits of wine rectified from spirits on which the duties of customs or excise have been paid may be deposited in an excise warehouse.

Application of enactments to foreign spirits and wine in excise warehouses.

9. All enactments in force at the commencement of this part of this Act in relation—

(1.) To the removal of foreign spirits or wine to or from any customs warehouse, and the warehousing and treatment of such spirits or wine therein and the delivery of the same thereout; and

(2.) To the depositing in a customs warehouse of spirits of wine, and to the drawbacks in respect of spirits of wine, and to the use of spirits of wine or British spirits in a customs warehouse for fortifying wines, or for any other lawful purpose,

shall have effect as if they were enacted in this Act, and the term customs warehouse therein included an excise warehouse, and the powers and authorities thereby given to the Commissioners of Customs and to their officers were in terms given to the Commissioners of Inland Revenue and the officers of excise.

Application of enactments relating to British spirits.

10. All enactments in force at the commencement of this part of this Act in relation to the proprietor of any British spirits in any excise warehouse, or any person in his employ, or to the proprietor or tenant of any such warehouse, or to any person in his employ, shall have effect as if they were enacted in this Act, and the terms British spirits and spirits in such enactments included foreign spirits and wine.

Regulations by Commissioners of Inland Revenue, &c.

11. The prescribed bond shall be such bond as may be prescribed by regulations for the time being in force made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively; and all powers which the said Commissioners respectively have under the Acts relating to them of making regulations shall extend to authorize them to make regulations for any of the purposes of this part of this Act.

A.D. 1869.

Extension of existing bonds by proprietors or tenants of excise warehouses.

12. Where at the commencement of this part of this Act there is in force any bond entered into by the proprietor or tenant of any excise warehouse and his sureties, conditioned for the payment of a penalty in the event of a breach of any regulations respecting British spirits deposited in such warehouse, or the duties thereon, such condition shall extend to the breach of any regulations respecting foreign spirits or wine, or spirits of wine deposited in such warehouse under the provisions of this part of this Act, and the duties thereon respectively, unless the principal or any surety named in such bond has signified in writing under his hand to the Commissioners of Inland Revenue, on or before the first of September one thousand eight hundred and sixty-nine, that he desires to withdraw from such bond.

Part II.

Amendment of Customs and Excise Law.

Power to dispense with master's attendance at Custom House to verify contents of ship.

13. In order to prevent the inconvenience which arises from the master of a ship being required to attend at the Custom House immediately before the departure of his ship, the Commissioners of Customs may, if they think fit, dispense with the declaration required under section one hundred and forty-two of the Customs Consolidation Act, 1853, to be made by him that the content is a true account of all goods shipped or intended to be shipped on board his ship, and may accept a like declaration from any person authorized by the master in writing under his hand to make such declaration on his behalf; and such declaration shall be deemed for all purposes to be a declaration of the master.

Explanation of the repeal of 5 & 6 Vict. c. 79. by 32 & 33 Vict. c. 14.

14. Nothing in the Act of the present session, chapter fourteen, intituled "An Act to grant certain duties of customs and inland "revenue, and to repeal and alter other duties of customs and "inland revenue," shall be deemed to have extended or to extend to repeal any other part of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter seventy-nine, intituled "An Act to repeal the duties payable on stage "carriages, and on passengers conveyed upon railways, and certain "other stamp duties in Great Britain, and to grant other duties in "lieu thereof; and also to amend the laws relating to the stamp "duties," than sections eight to twelve, both inclusive, and so much of the schedule of such Act as relates to the duties on stage carriages.

A.D. 1869.

Explaining the 7th section of 18 & 19 Vict. c. 38. relating to stocks of makers of methylated spirits.

15. Whereas by section seven of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter thirty-eight, the forfeiture is declared of the quantity of methylated spirit found in the stock of a maker of such spirit to be in excess at a greater rate than one per centum as in the said section is mentioned, and by the said section duty is directed to be charged upon and to be paid by any maker of methylated spirit for any quantity of methylated spirit found in the stock of such maker to be deficient at a greater rate than two per centum as in the said section is also mentioned; for the removal of doubts be it declared and enacted, that the excess or deficiency to be forfeited or charged with duty under the provisions of the said section shall be the whole excess or deficiency without deduction therefrom of the said rates of one per centum and two per centum respectively.

Warehousing of Wines and Spirits, &c.

A

B I L L

To amend the Law relating to the Warehousing of Wines and Spirits in Customs and Excise Warehouses, and for other purposes relating to Customs and Inland Revenue.

(*Prepared and brought in by Mr. Stansfeld and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 8 *July* 1869.

[Bill 201.]

Under 1 *oz.*

Water Supply Bill.

ARRANGEMENT OF CLAUSES.

Preamble. Recitals, 10 Vict. c. 7. and 27 Vict. c. 93.

PRELIMINARY.

Clause

1. Short title of Act.
2. Extension of Act, definition of terms, 10 Vict. c. 7., 8 & 9 Vict. c. 118.

PART I.

As to the supply of water by landowners, and power to companies and others for purchasing the same.

3. Provisions under 16 & 17 Vict. c. 154., 18 & 19 Vict. c. 84., 22 & 23 Vict. c. 82., and 26 & 27 Vict. c. 140. to extend to this Act, to enable landowners to dig wells and make reservoirs on their lands.
4. Compensation for damage to owners having an interest in the stream above and below reservoirs and waterworks, and such interest to be protected by guarantees, under the direction of the Inclosure Commissioners.
5. Power to purchase a fresh supply of water and to lay down pipes, &c. for conveying the same; compensation for damage to be made to owners, lessees, or occupiers. 8 & 9 Vict. c. 18.
6. Not to enter on private lands without consent.

PART II.

As to the supply of water to dwelling houses.

7. A constant daily supply of water to be furnished by companies or undertakers.

As to small tenements.

8. Supply of water to owners of houses not exceeding a rental of 10*l.* per annum. 10 Vict. c. 7. and 26 & 27 Vict. c. 93.

9. Tanks, cisterns, &c. to be supplied with proper taps or cocks. 10 Vict. c. 7. and 26 & 27 Vict. c. 93.

10. In case owners neglect to supply water after notice given by churchwardens and overseers, companies to furnish such supply, and recover the expenses of all necessary works from the overseers.

11. Not to interfere with rates or powers of existing water companies.

PART III.

Powers to borrow money.

12. Provisions under 16 & 17 Vict. c. 154., 18 & 19 Vict. c. 84., 22 & 23 Vict. c. 82., 26 & 27 Vict. c. 140., 10 & 11 Vict. c. 18., and 13 & 14 Vict. c. 31. to extend to this Act, to enable landowners, companies, &c. to borrow money.

13. Water companies may charge present or impose future rates for the repayment of loans to be advanced.

14. Railway companies may issue debentures for the amount of loans to be advanced.

A

B I L L

TO

Make better provision for facilitating and regulating the Supply of Pure Water in Cities, Towns, and Districts throughout the United Kingdom of Great Britain and Ireland. A.D. 1869.

WHEREAS by "The Waterworks Clauses Acts, 1847, and 1863," certain provisions are made for ensuring a constant supply of water to be kept up for domestic purposes at high pressure, by means of cisterns, tanks, and ballcocks, and other provisions are made with respect to waste or misuse or fouling of the water so supplied; but such provisions are found to be inefficient as well as inadequate to the wants of the population in many large cities, towns, and districts throughout the United Kingdom: 10 Vict. c. 7. and 26 & 27 Vict. c. 93.

And whereas in order to secure a daily and constant supply of pure and wholesome water without intermission to every dwelling house it is necessary that the same should be kept continuously flowing within pipes to which cocks or taps shall be attached in the manner herein-after provided:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. In citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Water Supply Regulation Act, 1869." Short title of Act.

2. This Act shall extend to the before-recited Acts of Parliament as well as to all special Acts of existing water companies, and be incorporated therewith, except so far as the same may be altered or varied by any clauses of this Act. The terms used in this Act shall have the same meaning as the same terms have when used in "The Waterworks Clauses Act, 1847;" the word "landowner" 10 Vict. c. 7. Extension of Act. Definition of terms.

A.D. 1869.

in this Act shall mean such person as under the Act of the eighth and ninth years of Her present Majesty, for facilitating the inclosure and improvement of commons, would be deemed a person interested in land for the purposes of that Act.

8 & 9 Vict. c. 118.

Part I.

As to the supply of water by landowners and power to companies and others for purchasing the same.

Provisions under 16 & 17 Vict. c. 154., 18 & 19 Vict. c. 84., 22 & 23 Vict. c. 82., and 26 & 27 Vict. c. 140., to extend to this Act to enable landowners to dig wells and make reservoirs on their lands.

3. All the provisions of "The Lands Improvement Company's Act, 1853," and of the several "Lands Improvement Company's Acts, 1855, 1859, and 1863," shall be extended to this Act, and be incorporated therewith, so far as to enable landowners to sink wells or shafts and construct reservoirs and other works for the storage and distribution of water upon their lands, and for that purpose to make, maintain, alter, or discontinue such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands and streams, and direct or take the waters supplying or flowing into such streams, as such owners may think proper, for obtaining and providing an efficient supply of water, and may from time to time sell and dispose of such water to any company or persons undertaking to purchase the same, under the provision herein-after mentioned.

Compensation for damage made to owners having an interest in the stream above and below reservoirs and waterworks, and such interest to be protected by guarantees, under the direction of the inclosure commissioners.

4. The Inclosure Commissioners are hereby empowered, if thereunto required, to make compensation to any landowner or other person having an interest in lands lying above or below or adjacent to the stream which may be used or diverted into any reservoir or other works for the storage of water so to be constructed, under the provisions of this Act, as herein-before mentioned, for any loss or damage which may be occasioned to such lands by the diversion or diminution of such stream for that purpose; and the said Inclosure Commissioners are also empowered to make such inquiries, and to provide such guarantees or securities for protecting the present and future interests of such landowners or other persons in such stream, as they may deem expedient.

Power to purchase a fresh supply of water and to lay down pipes, &c. for con-

5. All water companies and railway companies now or hereafter to be incorporated by Act of Parliament, as well as all persons undertaking to provide a supply of water for any cities, towns, or districts, are hereby empowered to purchase from the owners of any wells, reservoirs, and other works to be made under the provisions of this Act, any quantity of water they may deem necessary

for the use of the inhabitants of the said cities, towns, or districts, in addition to and beyond what may be provided by any special Act, or where there is no such special Act, then any quantity which the said company or undertakers may deem necessary for furnishing a fresh supply to such inhabitants; and the said company or undertakers may enter upon any lands, and break up the soil thereof, subject to the proviso hereafter mentioned, to lay down, place, or construct any pipes, conduits, tanks, cisterns, or other works necessary for the conveying such fresh supply of water, and may from time to time repair, alter, or remove, any such pipes, conduits, tanks, cisterns, or other works, and do all other Acts which they may from time to time deem necessary for supplying such water for the use of the inhabitants of the said cities, towns, or districts, doing as little damage as can be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers; and if any dispute or question shall arise between the said company or undertakers and such owners, lessees, or occupiers of lands as aforesaid, touching the amount of any such damage, the same shall be settled by arbitration in such manner as is provided by "The Lands Clauses Consolidation Act, 1845;" and all the provisions of that Act shall be applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction thereof.

veying the same.

Compensation for damage to be made to owners, lessees, or occupiers. 8 & 9 Vict. c. 18.

6. Provided always, that nothing herein contained shall authorize or empower any companies or undertakers to lay down or place any pipes, conduits, tanks, cisterns, or other works in any land not dedicated to public use, without the consent of the owners and occupiers thereof, except that such companies or undertakers may at any time enter upon and lay or place any new pipe, conduit, tank, cistern, or other works in the place of any of those existing in any land wherein the same have been already laid down or placed, in pursuance of this or any other Act of Parliament, and may repair or alter the same accordingly.

Not to enter on private lands without consent.

Part II.

As to the supply of water to dwelling houses.

7. The said companies or undertakers shall provide and keep in the pipes, conduits, tanks, cisterns, and other works so to be laid down, placed, or constructed by them as aforesaid, as well as in those already laid down, placed, or constructed under any special

A constant daily Supply of water to be furnished by Companies or Undertakers.

A.D. 1869.

Act, a constant, uninterrupted daily supply of pure and wholesome water, and sufficient for the domestic use of all the inhabitants of the city, town, or district in which they undertake to supply the same, and shall also cause pipes to be laid down and water to be brought to every dwelling house within such city, town, or district, so that such constant daily supply shall be laid on at such a pressure as will make the water run into and flow from the tap or cock to be attached to such pipes in every such dwelling house; and the owner or occupier of every such dwelling house shall provide a proper tap or cock for that purpose, and shall from time to time keep the same in good and efficient repair, so that such tap or cock shall be always available for such domestic purposes; and the powers and provisions in any special Act, or in "The Waterworks Clauses Act, 1847," for the regulation of cisterns, receptacles, and ballcocks, so far as the same are applicable, shall be construed to apply to the regulation of all such pipes, taps, or cocks.

As to small Tenements.

Supply of water to owners of houses not exceeding a rental of 10*l.* per annum.

8. The said companies or undertakers shall provide and keep in the pipes so to be laid down by them as aforesaid a constant and daily supply of pure and wholesome water, sufficient for the domestic use of the occupiers of all dwelling houses, or parts of dwelling houses, occupied as separate tenements, the annual value of which houses or tenements shall not exceed the sum of *ten pounds;* such supply shall be daily and constantly laid on at such a pressure as will make the water run into and flow from the tap or cock to be attached to such pipes in such dwelling houses or tenements, and the owners of such dwelling houses or parts of dwelling houses shall be liable to the payment of any rates imposed by any special Act for the supply of water, instead of the occupiers thereof; and the person receiving the rents of any such house or tenement from the occupier thereof on his own account, or as agent or receiver for any person interested therein, shall be deemed the owner of such house or tenement; and the powers and provisions in any special Act, or in "The Waterworks Clauses Acts, 1847 and 1863," for the recovery of rates from occupiers, shall be construed to apply to the owners of such houses and tenements only.

10 Vict. c. 7. and 26 & 27 Vict. c. 93.

Tanks, cisterns, &c. to be supplied with proper taps or cocks.

9. The owners of all such dwelling houses or parts of dwelling houses occupied as separate tenements, the annual rent of which shall not exceed *ten pounds*, whenever such water shall be daily and constantly supplied, shall provide a proper tap or cock to be

attached to the pipes to be laid down in all such dwelling houses or tenements, and shall from time to time keep and maintain the same in good and efficient repair; and the powers and provisions in any special Act or in "The Waterworks Clauses Act, 1847 and 1863," for the regulation of cisterns, receptacles, and ballcocks, so far as the same are applicable, shall be construed to apply to the regulation of all such pipes, taps, or cocks.

10 Vict. c. 7. and 26 & 27 Vict. c. 93.

In case owners neglect to supply water after notice given by churchwardens and overseers, companies to furnish such supply and recover the expenses of all necessary works from the overseers.

10. If it shall appear to the churchwardens and overseers of the poor of any parish or township that any dwelling houses or parts of dwelling houses so occupied as separate tenements as aforesaid are not provided with a daily and constant supply of water, according to the provisions of this Act, the said churchwardens and overseers shall, with the consent of the vestry, give notice to the owners of such dwelling houses and tenements, requiring them to supply and do all such works as may be necessary for that purpose, and if such notice be not complied with the said churchwardens and overseers shall, with the consent aforesaid, authorize the said companies or undertakers to do such works, and recover the expenses incurred thereby from such owners in like manner, and with the same remedies for the nonpayment, as rates for the maintenance of the poor are recoverable in such parish or township; and the said companies or undertakers, upon the requisition of the said churchwardens and overseers of the poor, shall supply such daily and constant supply of water to such houses and tenements, and the rate for such supply shall be regulated according to the terms which may be agreed upon between the said churchwardens and overseers of the poor.

Not to interfere with rates or powers of existing water companies.

11. Nothing in this Act shall interfere with any rates of existing water companies, nor with any powers and provisions of special Acts for the supply of water, except so far as the same may be extended, altered, or varied by this Act.

Part III.

Powers to borrow money.

Provisions under 16 & 17 Vict. c. 154., 18 & 19 Vict. c. 84., 22 & 23 Vict. c. 82., 26 & 27 Vict. c. 140., 10 & 11 Vict. c. 18., and

12. All the provisions of "The Lands Improvement Company's Act, 1853," and of the several "Lands Improvement Company's Acts, 1855, 1859, and 1863," of the Act of the tenth and eleventh Victoria, chapter eighteen, "to facilitate the drainage of lands in England and Wales," and of the thirteenth and fourteenth Victoria, chapter thirty-one, "to authorize further advances of

13 & 14 Vict. c. 31. to extend to this Act, to enable landowners, companies, &c. to borrow money.

" money for drainage and the improvement of landed property " in the United Kingdom, and to amend the Acts relating to such " advances," shall be extended to this Act, so far as to enable landowners, water companies, railway companies, and undertakers to borrow money, and give securities for repayment of the same, for the purpose of carrying into effect the provisions of this Act.

Water companies may charge present or impose future rates for the repayment of loans to be advanced.

13. Water companies are hereby empowered to charge existing rates, or to impose additional rates for the repayment of any loans to be contracted by them for the purpose of carrying into effect the provisions of this Act.

Railway companies may issue debentures for the amount of loans to be advanced.

14. Railway companies are hereby empowered to issue debentures or shares, in addition to any existing debentures or shares, for the amount of any loans to be contracted by them for defraying the expenses of making and laying down pipes and constructing works for the conveyance and supply of water, under the provisions of this Act.

Water Supply.

A

B I L L

To make better provision for facilitating and regulating the Supply of Pure Water in Cities, Towns, and Districts throughout the United Kingdom of Great Britain and Ireland.

(Prepared and brought in by Mr. Biddulph, Mr. Goldney, Col. Napier Sturt, and The Marquis of Lorne.)

Ordered, by The House of Commons, *to be Printed,* 15 *April* 1869.

[Bill 83.]

Under 1 *oz.*

507

A

B I L L

TO

Enable the House of Commons to examine Witnesses on Oath. A.D. 1869.

WHEREAS it is expedient that the House of Commons and its Committees should have power to examine witnesses on oath upon matters relating to Bills or other proceedings that may be pending before them:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

House of Commons and Committees may examine witnesses on oath.

1. The House of Commons, and every Committee of the Whole House, and any Select Committee appointed by the House having power to send for persons, papers, and records, may examine witnesses on oath upon matters relating to any Bill or other proceeding that may from time to time be pending before them, and for that purpose may administer an oath to all such witnesses.

Mode of administering oath.

2. The oath shall be administered to any witness examined by the House, or by any Committee of the Whole House, at the bar by one of the clerks at the table, and to a witness examined before a Select Committee by the clerk attending such Committee.

Penalty of perjury.

3. Any person examined as a witness before the House of Commons, or any Committee thereof, who shall wilfully give false evidence shall be liable to the penalty of perjury.

Interpretation.

4. In the construction of this Act, the word "oath" shall include an affirmation, or any other promise or declaration which from time to time may be lawfully made by any witness in any court of justice in this kingdom in lieu of an oath.

[Bill 129.]

Witnesses (House of Commons).

A

B I L L

To enable the House of Commons to examine Witnesses on Oath.

(*Prepared and brought in by Sir John Esmonde and Mr. Bonham-Carter*).

Ordered, by The House of Commons, *to be Printed*, 13 *May* 1869.

[Bill 129.]

Under 1 *oz.*

A

B I L L

TO

Regulate and extend the Jurisdiction of Her Majesty's Consul at Zanzibar in regard to vessels captured on suspicion of being engaged in the Slave Trade, and for other purposes relating thereto. A.D. 1869.

WHEREAS by the Foreign Jurisdiction Act, 1843, it was amongst other things enacted "that it is and shall be lawful "for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath or may at any time hereafter "have within any country or place out of Her Majesty's dominions, "in the same and as ample a manner as if Her Majesty had "acquired such power or jurisdiction by the cession or conquest of "territory:" 6 & 7 Vict. c. 94.

And whereas by various treaties which have from time to time been made between Her Majesty and the Sultan of Zanzibar, Her Majesty is empowered to exercise jurisdiction within the dominions of the Sultan of Zanzibar in regard to vessels captured on suspicion of being engaged in the slave trade:

And whereas, by an Order of Her Majesty in council, dated the ninth day of August one thousand eight hundred and sixty-six, it was amongst other things ordered that Her Majesty's Consul within the dominions of the Sultan of Zanzibar, should, for and within the said dominions, and for vessels and persons coming within those dominions, and in regard to vessels captured on suspicion of being engaged in the slave trade within those dominions, have all such jurisdiction as for the time being ordinarily belongs to Courts of Vice-Admiralty in Her Majesty's possessions abroad:

And whereas it is expedient to confirm and extend the jurisdiction conferred by the said Order in council upon Her Majesty's Consul at Zanzibar, and to regulate the exercise thereof, and to provide for the payment of bounties in respect of vessels condemned by Her Majesty's Consul at Zanzibar:

A.D. 1869.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as The Slave Trade Jurisdiction (Zanzibar) Act, 1869.

Jurisdiction of Her Majesty's consul at Zanzibar in slave trade cases.

2. Her Majesty's Consul at Zanzibar for the time being shall have, and shall be deemed to have always since the commencement of the said Order in council had, all such jurisdiction as ordinarily belongs to Vice-Admiralty Courts in Her Majesty's possessions abroad in regard to vessels captured on suspicion of being engaged in or equipped for the slave trade, in the following cases:

(1.) Where a Zanzibar vessel shall have been captured in pursuance of any treaty with the Sultan of Zanzibar, either within or beyond the dominions of Zanzibar:

(2.) Where the vessel captured shall not be entitled to claim the protection of the flag of any state or nation.

Provisions of other Acts extended to cases adjudicated under this Act.

3. So far as relates to the matters enumerated in this section, all the provisions for the time being in force in regard to vessels captured on suspicion of being engaged in or equipped for the slave trade, and adjudicated upon in any Vice-Admiralty Court in Her Majesty's possessions abroad, shall apply, mutatis mutandis, to all vessels captured on suspicion of being engaged in or equipped for the slave trade, and adjudicated upon by Her Majesty's Consul at Zanzibar in pursuance of the said Order in council or of this Act; that is to say:

As to persons giving false evidence being deemed guilty of perjury:

As to maintaining and providing for captured slaves pending adjudication:

As to condemning slaves as forfeited to the Crown:

As to disposing of slaves after adjudication:

As to breaking up condemned vessels, unless purchased for Her Majesty's service:

As to granting the net proceeds to the captors:

As to rewarding the captors with bounties on the vessel as well as on the slaves:

As to authorizing the Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to order payment of one moiety of the bounty, where slaves may not have been condemned or delivered over in consequence of death, sickness, or other inevitable circumstance:

As to the mode of obtaining such bounties:

As to the mode of paying and distributing the same:

As to authorizing the High Court of Admiralty of England to determine doubtful claims to bounty, and any question of joint capture:

As to authorizing the Commissioners of Her Majesty's Treasury to order payment of costs awarded for vessels detained but not condemned, or to repay to the seizor of any vessel not condemned the expenses incurred by him on account of the seizure:

As to empowering Her Majesty by order in council to establish, and from time to time to repeal and alter, rules and tables of fees:

As to the right of appeal to Her Majesty in council.

This Act to apply to cases already adjudicated.

4. This Act shall apply to all cases of vessels captured on suspicion of being engaged in or equipped for the slave trade, and adjudicated upon by Her Majesty's Consul at Zanzibar, whether before or after the passing of this Act.

Not to repeal 11 & 12 Vict. c. 128.

5. Nothing in this Act shall be construed as repealing any of the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign, intituled "An Act for carrying into "effect the Agreement between Her Majesty and the Imaum of "Muscat for the more effectual suppression of the slave trade."

Zanzibar (Jurisdiction of Consul).

A

BILL

To regulate and extend the Jurisdiction of Her Majesty's Consul at Zanzibar in regard to vessels captured on suspicion of being engaged in the Slave Trade, and for other purposes relating thereto.

(*Prepared and brought in by Mr. Stansfeld and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed,* 22 *July* 1869.

[Bill 237.]

Under 1*oz*